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GOVERNMENT NEWS

THE NEW YORK TIMES, TUESDAY, APRIL 27, 1976

SENATE INTELLIGENCE PANEL CALLS

FOR A LAW TO CURB COVERT ACTION

AS IMPLEMENT OF FOREIGN POLICY

By NICHOLAS M. HORROCK
Special to The New York Times

WASHINGTON, April 26—The Senate Select Committee on Intelligence Activities, concluding its 15-month-long investigation, today urged Congress to adopt a new, omnibus law covering foreign and military intelligence gathering that would create charters for the major agencies and sharply limit the use of covert action as a tool of foreign policy.

In a report that had few disclosures, the committee revealed that the United States had conducted about 900 major or sensitive covert operations in the last 15 years. As one check on such actions in the future, it recommended that Congress be informed in advance of proposed covert operations.

For Central Control

In one proposal for structural reform it urged that the Director of Central Intelligence be given authority over the entire intelligence community to set the overall budget, allocate resources, and determine national intelligence requirements for all agencies including the military.

The legislative future of its recommendations is far from clear. The committee made "recommendations" for legislation by Congress but will not introduce the bills itself. Instead when a permanent oversight committee is created it would take these recommendations as the basis for a legislative package.

The new law is needed, the committee said, because "Congress has failed to provide the necessary statutory guidelines to ensure that intelligence agencies carry out their missions in accord with constitutional processes." It would, in effect, recast the National Security Act of 1947, which created the modern intelligence system in this country.

The new law, the committee said, should set "clearly defined prohibitions or limitations" on intelligence-gathering techniques and operations, define the roles of each intelligence agency and "set forth the basic purposes of national intelligence activities."

"This revision should be given the highest priority by the intelligence oversight committee of Congress, acting in consultation with the Executive branch," the committee said.

Further Report Due

The proposal is the centerpiece of a 474-page report on foreign and military intelligence that culminates an investigation begun in January 1975. The committee is expected to make public a report on its domestic intelligence findings later this week.

Today's report carried 87 separate recommendations for statutory or administrative fact" in areas ranging from drug tests on humans to covert

At the request of the intelligence agencies, the committee withheld three chapters of its report, on "cover" "espionage" and "budgetary oversight" from the public and deleted sections on covert action and intelligence operations of the department of State.

A staff spokesman said this amounted to some 200 pages. Though the material is being withheld from public view, he said, it would be available to be read by the 100 members of the Senate.

The committee also voted six to five in a closed meeting today to ask the full Senate whether it could release the total budget figure for United States intelligence. It took this action after President Ford and George Bush, Director of Central Intelligence, urged that the figure be omitted from the final report on national security grounds.

A blank space appeared in the printed report where the figure should have been, but other material in the document permitted the reader to compute that a gross figure for intelligence including the armed forces components was some \$10 billion annually and that the aggregate budgets of C.I.A., Defense Intelligence Agency, the National Security Agency and the national reconnaissance program ran about \$4.5 billion.

Senator John G. Tower, the Texas Republican who was vice chairman of the committee, and Senator Barry Goldwater, Republican of Arizona, did not sign the report. Mr. Tower said in a statement that he felt the recommendations "if enacted into law, could endanger America's security."

Senator Howard W. Baker Jr., Republican of Tennessee, said that though he had signed the report there were several rec-

ommendations he disagreed with.

Attorney General Edward H. Levi also appeared before today's meeting in an effort, according to a committee source, to get the committee to relax stringent electronic surveillance recommendations that it has made in the upcoming domestic report.

Areas Stressed

The portion of the report made public concentrated on the following areas:

The committee found that "Presidents and Administrations have made extensive, and at times, self-defeating use of covert action" and that its use is now so routine (900 separate operations between 1961-1975) it had "bureaucratic momentum of its own."

Though the committee gave "serious consideration" to recommending a "total ban" on covert activity it concluded that the United States must have such capability for "extraordinary circumstances involving grave threats to United States national security." However, it recommended that "all political assassinations, efforts to subvert democratic governments and support for police or other internal security forces which engage in systematic violation of human rights" be banned by law.

The committee found that many covert actions, clandestine intelligence-gathering techniques and counterintelligence operations had been launched without any formal approval mechanism at work and little or no record of who approved them. It has called for formalization of decision making in these areas that would leave a "paper trail" on the decisions and end the practice of "plausible deniability."

The committee found that the Central Intelligence Agency circumvented the 1967 Presidential ban against covertly supporting and infiltrating educational and philanthropic groups, by moving certain operations abroad or dealing with individuals.

It found in another area widespread unethical or illegal drug tests being performed on Americans and substantial infiltration of the news media and the book publishing industry. The latter two actions, the committee said, resulted in Americans' being often, though inadvertently, fed the propaganda output of the C.I.A. in the sharpest language of the report, the committee recommended laws to halt or control these practices.

The committee applauded

President Ford's recent Executive order where it upgraded the powers of the Director of Central Intelligence and made him more nearly in command of the entire intelligence community. The Senate committee, however, would go further and give the director the power to actually formulate a rational intelligence budget and allocate the resources of the agencies covered by the budget.

At the same time, however, the committee would remove the director from direct control over covert operations or the clandestine collection of intelligence mainly to reduce his "conflict of interest" problem as the principal adviser to the President on foreign intelligence matters.

The Senate committee was far less harsh than its House of Representatives counterpart on the quality of the intelligence estimates made by the community. It said it had found the estimates were "adequate" though "major improvement is both desirable and possible." It urged that the function of gathering and analyzing the intelligence be the highest priority of the intelligence agencies.

In several areas the committee's recommendations urged that traditional checks and balances of the Executive branch be restored to decision making on intelligence matters.

It recommended that the Secretary of State be informed of all clandestine collection operations and covert actions in advance so that he would be in a position to explain them and so that he could raise objections if he felt they harmed foreign policy. The committee called for faster implementation of a law that required the United States Ambassador abroad be in command of all foreign policy activities in the country in which he is stationed.

The committee urged that the counterintelligence operations, aimed at combatting hostile foreign intelligence services, be better coordinated. It found widespread evidence over the years of poor cooperation between the C.I.A. and the Federal Bureau of Investigation, the two agencies who have the main responsibility in this field. The Senate panel recommended that a special committee of the National Security Council be formed, headed by the Attorney General, to direct counterintelligence activities.

Despite its length and detail, the report was largely devoid of new information. Though the committee, according to its own account, had conducted hundreds of interviews and collected 110,000 pages of doc-

cuments, it made public little that had not already been reported in the press or dealt with in earlier reports.

There seemed to many on Capitol Hill, a willingness by the committee to delete material at the request of the intelligence agencies and a decided unwillingness to try to force material from secret vaults of the Executive branch.

Scholarly Tone

In tone and presentation, today's report was scholarly and descriptive, designed more as a resource document for those who will frame the new intelligence law than an indictment of abuse or misbehavior by the intelligence community.

The recommendations are mainly based upon the premise that Congress will approve permanent joint or separate oversight committees with the power to authorize expenditures by the intelligence community and investigate agency operations.

Earlier this year, the committee recommended that such an oversight panel be approved by the Senate. But in the ensuing weeks the oversight plan has encountered hard political going. Many committee members hope the final reports will improve the atmosphere for its adoption.

The report covered the committee's views on the entire foreign intelligence apparatus including the National Security Council, the C.I.A., the Defense Department and its military intelligence components, as well as the Defense Intelligence Agency and the National Security Agency.

Analysis of the Law

It said its analysis of the National Security Act of 1947 had found no explicit authority for espionage, covert action or paramilitary warfare.

"Nonetheless, these have come to be major activities conducted by the Central Intelligence Agency . . . in contrast to the 1947 act's specific charge to the Director of Central Intelligence to coordinate national intelligence has not been effectively realized," the report said.

The report describes how, because of the immediate and continued belief that the Soviet Union and international Communism plotted this country's destruction, the agencies mounted increasingly numerous covert actions and espionage missions to meet the perceived Communist challenge.

The report details in the drug programs, for instance, how the C.I.A. began testing LSD "defensively" because it learned the Soviet Union was experimenting with it.

But, according to evidence in the report, by mid-1953, Richard Helms, then assistant chief of the clandestine service, already contemplated its use aggressively in interrogations of foreign agents.

The report traces the genesis of covert action, from early efforts to help democratic parties in the Italian elections in 1948 to the major paramilitary operations such as the aborted invasion at the Bay of Pigs in Cuba and those in Laos.

Of covert actions in general,

the committee found that they were often inefficient and some were "inconsistent with our [United States] basic traditions and values."

The committee had even harsher words for paramilitary covert operations, noting that they do not remain covert very long and "have often failed to achieve their intended objective." Moreover, the committee said, "covert U.S. paramilitary combat operations frequently amount to making war, but do not come under the War Powers Act, since they do not involve uniformed U.S. military . . ."

The committee recommended that the proposed law require the intelligence budget proposal to list each covert operation and require Congress to authorize any paramilitary operation lasting longer than 60 days.

Part of the problem with all clandestine activities, the committee report said, was that the executive branch of Government under Presidents from Harry S. Truman through Richard M. Nixon failed to exert sufficient control or demand sufficient accountability. The report said that the 40 Committee, a part of the N.S.C. assigned to authorize clandestine activities, "also served generally to insulate the President from official involvement and accountability in the approval process until 1974."

Approval of Operations

Moreover, the committee notes, N.S.C.-level approval was sought only on airy major clandestine operations and it found numerous instances where small, risky intelligence gathering and covert actions were taken without approval:

Even the new "upgraded" 40 Committee, renamed by President Ford the Operations Advisory Group, may not be adequate if not given sufficient staff and support, the report said.

In these areas, including counterintelligence matters, the committee recommended that each level "sign off" on his approval or disapproval for a given project and that individuals are made "accountable" in the chain of command to encourage their knowing about what goes on.

One of the most important elements in the shroud of secrecy surrounding the intelligence agencies, the report said, was the 1949 law that permitted the expenditure of funds by C.I.A. without a public accounting.

From this germ sprung a massive, intricate, but closed-door, financial empire that is the intelligence community. The C.I.A., for instance, developed the spy-in-the-sky satellites, the U-2 intelligence aircraft, owned several major airlines; capitalized an insurance company at \$30 million; and financed two major and several minor wars (including uprisings in the Congo and Guatemala, Laos and the Bay of Pigs) with an undisclosed budget, the report pointed out.

The committee finds that a full understanding of the budget of the intelligence community is required for effective oversight," the report said.

"The secrecy surrounding the budget, however, makes it impossible for Congress as a whole to make use of this valuable oversight tool."

The committee said that in effect "neither Congress as a whole nor the public can determine whether the amount spent on intelligence, or by the intelligence agencies individually is appropriate given the priorities."

The committee, "believes there is a serious question as to whether the present system of complete secrecy violates the Constitution."

It rejected the arguments made by Mr. Bush today.

"The committee believes," the report said, "that the overall figure for national intelligence activities can be made public annually without endangering national security or revealing sensitive programs."

The committee expressed some of its deepest concern on the impact of techniques of intelligence upon American culture and democracy. It found that the C.I.A. was using "several hundred" American academics, located in over 100 American colleges, universities and related institutions for such things as making contacts with potential agents or writing books and articles for propaganda purposes. In a number of instances, the report said, the educational institutions were not aware of the relationship.

The committee found the C.I.A. had a network of "several hundred" foreign persons in the world news media to provide intelligence or put out propaganda.

Of these, some 50 are "individual American journalists or employees of U.S. media organizations," the report said. It also found significant infiltration of religious groups.

The committee recommended laws to barring the C.I.A. from publishing books or circulating other propaganda in this country and to firm up by law the

recruiting of journalists along the lines of the new C.I.A. guidelines.

The committee would bar recruiting persons receiving United States educational grants and programs.

It also urged that C.I.A. regulations be changed to require that if an academic person develops a relationship with C.I.A. the president of chief executive officer of the educational institution be notified.

The committee wanted laws to buttress President Ford's orders that the C.I.A.'s inspector general system be strengthened and wanted a law to clarify the responsibility of C.I.A. employees to report crimes to their superiors so that these crimes would, in turn, be reported to the Department of Justice for prosecution. The committee rejected the notion that the C.I.A. or its employees were above the law.

The clear pattern of many of the recommendations was to bring Congress deeper and deeper into the oversight of agency expenditures and operations.

The committee found that Congress failed in 1947 to tell the intelligence agencies what it wanted them to do; failed to carry out proper budgetary oversight and on many of the unpleasant or highly sensitive secret operations took an "I don't want to know" stance in its contact with the intelligence agencies.

The report was by no means harsh on Congress, certainly not so harsh as external Congressional critics have become on these issues, but for a committee of Congress it was candid in its view of its own institution.

The recommendations are shaped not only to require the intelligence agencies to report to Congress periodically on numerous aspects of their operations, but also require Congress to make response of decision which will reduce the chance for lethargic oversight.

NEW YORK TIMES
27 April 1976

Security Check by I.R.S.

Special to The New York Times

WASHINGTON, April 26—In the mid-1950's, the Central Intelligence Agency decided to test the security arrangements of Air America, a charter airline service that was secretly a wholly owned operation of the agency.

The agency asked that an unwitting agent of the Internal Revenue Service be sent to conduct a normal audit of the operation. The agent would, the C.I.A. said, be told at the proper time that he was dealing with a Government agency. Lawrence R. Houston, now retired, was then general counsel to the C.I.A. and he recounted the experiment to the Senate Select Committee on Intelligence Activities this way:

"They put a very bright young fellow on, and he went into it. They came up with discrepancies and things that would be settled in the normal tax argument, corporate-I.R.S. argument, and all of these were worked out eventually, and then we went to this fellow and said. 'Now, this was owned and backed by the C.I.A. The U.S. Government. What was your guess as to what was happening?'

"And he said, 'Well, I knew there was something there, and I thought, what a wonderful asset it would be for the Russians to have, but I came to the conclusion that it was Rockefeller money.'

THE NEW YORK TIMES, TUESDAY, APRIL 27, 1976

EXCERPTS FROM REPORT OF INTELLIGENCE UNIT

Special to The New York Times

WASHINGTON, April 26—Following are excerpts from the Report on the Foreign and Military Intelligence Activities of the United States, the final report of the Senate Select Committee on Intelligence Activities. Passages that were changed by the committee at the request of executive agencies appear in italics.

INTRODUCTION

The Senate Select Committee on Intelligence Activities has conducted a 4½-month-long inquiry, the first major inquiry into intelligence since World War II. The inquiry arose out of allegations of substantial, even massive wrongdoing within the "national intelligence" system. This final report provides a history of the evolution of intelligence, an evaluation of the intelligence system of the United States, a critique of its problems, recommendations for legislative action and recommendations to the executive branch. The committee believes that its recommendations will provide a sound framework for conducting the vital intelligence activities of the United States in a manner which meets the nation's intelligence requirements and protects the liberties of American citizens and the freedoms which our Constitution guarantees.

The shortcomings of the intelligence system, the adverse effects of secrecy and the failure of Congressional oversight to assure adequate accountability for executive branch decisions concerning intelligence activities were major subjects of the committee's inquiry. Equally important to the obligation to investigate allegations of abuse was the duty to review systematically the intelligence community's overall activities since 1915, and to evaluate its present structure and performance.

An extensive national intelligence system has been a vital part of the United States Government since 1944. Intelligence information has had an important influence on the direction and development of American foreign policy and has been essential to the maintenance of our national security. The committee is convinced that the United States requires an intelligence system which will provide policy-makers with accurate intelligence and analysis. We must have an early warning system to monitor potential military threats by countries hostile to United States interests. We need a strong intelligence system to verify that treaties concerning arms limitation are being honored. Information derived from the intelligence agencies is a necessary ingredient in making national defense and foreign policy decisions. Such information is also necessary in countering the efforts of hostile intelligence services and in halting terrorists, international drug traffickers and other international criminal activities. Within this country certain carefully controlled intelligence activities are essential for effective law enforcement.

The United States has devoted enormous resources to the creation of a national intelligence system, and today there is an awareness on the part of

many citizens that a national intelligence system is a permanent and necessary component of our Government. The system's value to the country has been proven, and it will be needed for the foreseeable future. But a major conclusion of this inquiry is that Congressional oversight is necessary to assure that in the future our intelligence community functions effectively, within the framework of the Constitution.

The committee is of the view that many of the unlawful actions taken by officials of the intelligence agencies were rationalized as their public duty. It was necessary for the committee to understand how the pursuit of the public good could have the opposite effect. As Justice Brandeis observed:

"Experience should teach us to be most on our guard to protect liberty when the Government's purposes are beneficent. Men born to freedom are naturally alert to repel invasion of their liberty by evil-minded rulers. The greatest dangers to liberty lurk in insidious encroachment by men of zeal, well-meaning but without understanding. *Olmstead v. United States*, 277 U.S. 438, 479 (1928).

The Mandate of the Committee's Inquiry

On Jan. 17, 1975, Senate Resolution established a select committee "to conduct an investigation and study of governmental operations with respect to intelligence activities and of the extent, if any, to which illegal, improper or unethical activities were engaged in by any agency of the Federal Government." Senate Resolution 21 lists specific areas of inquiry and study:

(1) Whether the Central Intelligence Agency has conducted an illegal domestic intelligence operation in the United States.

(2) The conduct of domestic intelligence or counterintelligence operations against United States citizens by the Federal Bureau of Investigation or any other Federal agency.

(3) The origin and disposition of the so-called Huston Plan to apply United States intelligence agency capabilities against individuals or organizations within the United States.

(4) The extent to which the Federal Bureau of Investigation, the Central Intelligence Agency and other Federal law enforcement or intelligence agencies coordinate their respective activities, any agreements which govern that coordination and the extent to which a lack of coordination has contributed to activities or actions which are illegal, improper, inefficient, unethical or contrary to the intent of Congress.

(5) The extent to which the operation of domestic intelligence or counterintelligence activities and the operation of any other activities within the United States by the Central Intelligence Agency conforms to the legislative charter of that agency and the intent of the Congress.

(6) The past and present interpretation by the Director of Central Intelligence of the responsibility to protect

intelligence sources and methods as it relates to that provision of the National Security Act of 1947 which provides that "... that the agency shall have no police, subpoena, law enforcement powers or internal security functions..."

(7) The nature and extent of executive branch oversight of all United States intelligence activities.

(8) The need for specific legislative authority to govern the operations of any intelligence agencies of the Federal Government now existing without that explicit statutory authority, including but not limited to agencies such as the Defense Intelligence Agency and the National Security Agency.

(9) The nature and extent to which Federal agencies cooperate and exchange intelligence information and the adequacy of any regulations or statutes which govern such cooperation and exchange of intelligence information.

(10) The extent to which United States intelligence agencies are governed by executive orders, rules or regulations, either published or secret, and the extent to which those executive orders, rules or regulations interpret, expand or are in conflict with specific legislative authority.

(11) The violation or suspected violation of any state or Federal statute by any intelligence agency or by any person by or on behalf of any intelligence agency of the Federal Government, including but not limited to surreptitious entries, surveillance, wiretaps or eavesdropping, illegal opening of the United States mail or the monitoring of the United States mail.

(12) The need for improved, strengthened, or consolidated oversight of United States intelligence activities by the Congress.

(13) Whether any of the existing laws of the United States are inadequate, either in their provisions or manner of enforcement, to safeguard the rights of American citizens, to improve executive and legislative control of intelligence and related activities and to resolve uncertainties as to the authority of United States intelligence and related agencies.

(14) Whether there is unnecessary duplication of expenditure and effort in the collection and processing of intelligence information by United States agencies.

(15) The extent and necessity of overt and covert intelligence activities in the United States and abroad.

In addressing these mandated areas of inquiry, the committee has focused on three broad questions:

(1) Whether intelligence activities have functioned in accordance with the Constitution and the laws of the United States.

(2) Whether the structure, programs, past history and present policies of the American intelligence system have served the national interests in a manner consistent with declared national policies and purposes.

(3) Whether the process through which the intelligence agencies have been directed and controlled have been adequate to assure conformity with

policy and the law.

Over the past year, the committee and its staff have carefully examined the intelligence structure of the United States. Considerable time and effort have been devoted in order to understand what has been done by the United States Government in secrecy during the 30-year period since the end of World War II. It is clear to the committee that there are many necessary and proper governmental activities that must be conducted in secrecy. Some of these activities affect the security and the very existence of the nation.

It is also clear from the committee's inquiry that intelligence activities conducted outside the framework of the Constitution and statutes can undermine the treasured values guaranteed in the Bill of Rights. Further, if the intelligence agencies act in ways inimical to declared national purposes, they damage the reputation, power and influence of the United States abroad.

The committee's investigation has documented that a number of actions committed in the name of "national security" were inconsistent with declared policy and the law. Hearings have been held and the committee has issued reports on alleged assassination plots, covert action in Chile and the interception of domestic communications by the National Security Agency. Regrettably, some of these abuses cannot be regarded as aberrations.

The Purpose of the Committee's Findings and Recommendations

It is clear that a primary task for any successor oversight committee and the Congress as a whole will be to frame basic statutes necessary under the Constitution within which the intelligence agencies of the United States can function efficiently under clear guidelines. Charters delineating the missions, authorities and limitations for some of the United States most important intelligence agencies do not exist. For example, there is no statutory authority for the N.S.A.'s intelligence activities. Where statutes do exist, as with the C.I.A., they are vague and have failed to provide the necessary guidelines defining missions and limitations.

The committee's investigation has demonstrated, moreover, that the lack of legislation has had the effect of limiting public debate upon some important national issues.

The C.I.A.'s broad statutory charter, the 1947 National Security Act, makes no specific mention of covert action. The C.I.A.'s former general counsel, Lawrence Houston, who was deeply involved in drafting the 1947 act, wrote in September 1947, "we do not believe there was any thought in the minds of Congress that the act contemplated covert action." Yet, a few months after enactment of the 1947 legislation, the National Security Council authorized the C.I.A. to engage in covert action programs. The provision of the Act often cited as authorizing C.I.A. covert activities for the agency "... to perform such other functions and duties related to intelligence affecting the national security as the National Security Council may from time to time direct."

Secret Executive Orders issued by the N.S.C. to carry out covert action pro-

grams were not subject to Congressional review. Indeed, until recent years, except for a few members, Congress was not fully aware of the existence of the so-called "secret charter for intelligence activities." Those members who did know had no institutional means for discussing their knowledge of secret intelligence activities with their colleagues. The problem of how the Congress can effectively use secret knowledge in its legislative process remains to be resolved. It is the committee's view that a strong and effective oversight committee is an essential first step that must be taken to resolve this fundamental issue.

The Dilemma of Secrecy and Open Constitutional Government

Since World War II, with steadily escalating consequences, many decisions of national importance have been made in secrecy, often by the executive branch alone. These decisions are frequently based on information obtained by clandestine means and available only to the executive branch.

Recent Presidents have justified this secrecy on the basis of "national security," "the requirements of national defense" or "the confidentiality required by sensitive, ongoing negotiations or operations." These justifications were generally accepted at face value. The Bay of Pigs fiasco, the secret war in Laos, the secret bombing of Cambodia, the anti-Allende activities in Chile, the Watergate affair, were all instances of the use of power cloaked in secrecy which when revealed provoked widespread popular disapproval. This series of events has ended, for the time being at least, passive and uncritical acceptance by the Congress of executive decisions in the areas of foreign policy, national security and intelligence activities. If Congress had met its oversight responsibilities some of these activities might have been averted.

An examination of the scope of secret intelligence activities undertaken in the last three decades reveals that they ranged from war to conventional espionage. It appears that some United States intelligence activities may have violated treaty and covenant obligations, but more importantly the rights of United States citizens have been infringed upon. Despite citizen and Congressional concern about these programs, no processes or procedures have been developed by either the Congress or the executive branch which would assure Congress of access to secret information which it must have to carry out its constitutional responsibilities in authorizing and giving its advice and consent. The hindsight of history suggests that many secret operations were ill-advised or might have been more beneficial to United States interests had they been conducted openly, rather than secretly.

The committee stresses that these questions remain to be decided by the Congress and the executive jointly:

What should be regarded as a national secret?

Who determines what is to be kept secret?

How can decisions made in secret or programs secretly approved be reviewed?

Two great problems have confronted the committee in carrying out its charge

to address these issues.

The first is how our open democratic society, which has endured and flourished for 200 years, can be adapted to overcome the threats to liberty posed by the continuation of secret Government activities. The leaders of the United States must devise ways to meet their respective intelligence responsibilities, including informed and effective Congressional oversight, in a manner which brings secrecy and the power that secrecy affords within constitutional bounds.

For the executive branch, the specific problem concerns instituting effective control and accountability systems and improving efficiency. Many aspects of these two problem areas which have been examined during the committee's inquiry of intelligence agencies are addressed in the recommendations. It is our hope that intelligence oversight committees working with the executive branch will develop legislation to remedy the problems exposed by our inquiry and described in this report. The committee has already recommended the creation of an oversight committee with the necessary powers to exercise legislative authority over the intelligence activities of the United States.

It is clear that the Congress must exert its will and devise procedures that will enable it to play its full constitutional role in making policy decisions concerning intelligence activities. Failure to do so would permit further erosion of constitutional government.

In a meeting with President Ford at the outset of our inquiry in February 1975, the committee agreed not to disclose any classified information provided by the executive branch without first consulting the appropriate agencies, offices and departments. In the case of objections, the committee agreed to carefully consider the executive's reasons for maintaining secrecy, but the committee determined that final decisions on any disclosure would be up to the committee.

The select committee has scrupulously adhered to this agreement. The Interim Report on Alleged Assassination Plots Involving Foreign Leaders, the report on C.I.A. activities in Chile, the report on illegal N.S.A. surveillance, and the disclosures of illegal activities on the part of F.B.I. Cointelpro, the F.B.I. harassment of Dr. Martin Luther King, Jr. and other matters revealed in the committee's public hearings, were all carefully considered by the committee and the executive branch working together to determine what information could be declassified and revealed without damaging national security. In those reports and hearings, virtually all differences between the committee and the executive were resolved. The only significant exception concerned the release to the public of the Assassination Report, which the executive branch believed would harm national security. The committee decided otherwise.

Some criteria for defining a valid national secret have been agreed to over the last year. Both the committee and the executive branch now agree that the names of intelligence sources and the details of sensitive methods used by the intelligence services should remain secret. Wherever possible, the right of privacy of individuals and groups should also be preserved. It was agreed, however, that the details of illegal acts should be disclosed and that the broad scope of United States intelligence activities should be sufficiently described to give public reassurance that the intelligence agencies are operating consistent with the law and declared national policy.

SUMMARY: FINDINGS AND RECOM- MENDATIONS

General Findings

The committee finds that United States foreign and military intelligence agencies have made important contributions to the nation's security, and generally have performed their missions with dedication and distinction. The committee further finds that the individual men and women serving America in difficult and dangerous intelligence assignments deserve the respect and gratitude of the nation.

The committee finds that there is a continuing need for an effective system of foreign and military intelligence. United States interests and responsibilities in the world will be challenged, for the foreseeable future, by strong and potentially hostile powers. This requires the maintenance of an effective American intelligence system. The committee has found that the Soviet KGB and other hostile intelligence services maintain extensive foreign intelligence operations, for both intelligence collection and covert operational purposes. These activities pose a threat to the intelligence activities and interests of the United States and its allies.

The committee finds that Congress has failed to provide the necessary statutory guidelines to insure that intelligence agencies carry out their missions in accord with constitutional processes. Mechanisms for and the practice of Congressional oversight have not been adequate. Further, Congress has not devised appropriate means to effectively use the valuable information developed by the intelligence agencies. Intelligence information and analysis that exist within the executive branch clearly would contribute to sound judgments and more effective legislation in the areas of foreign policy and national security.

The committee finds that covert action operations have not been an exceptional instrument used only in rare instances when the vital interests of the United States have been at stake. On the contrary, Presidents and Administrations have made excessive, and at times self-defeating, use of covert action. In addition, covert action has become a routine program with a bureaucratic momentum of its own. The long-term impact, at home and abroad, of repeated disclosure of U. S. covert action never appears to have been assessed. The cumulative effect of covert actions has been increasingly costly to America's interests and reputation. The committee believes that covert action must be employed only in the most extraordinary circumstances.

Although there is a question concerning the extent to which the Constitution requires publication of intelligence expenditures information, the committee finds that the Constitution at least requires public disclosure and public authorization of an annual aggregate figure for United States national intelligence activities. Congress' failure as a whole to monitor the intelligence agencies' expenditures has been a major element in the ineffective legislative oversight of the intelligence community. The permanent intelligence oversight committee(s) of Congress should give further consideration to the question of the extent to which further public dis-

closure of intelligence budget information is prudent and constitutionally necessary.

At the same time, the committee finds that the operation of an extensive and necessarily secret intelligence system places severe strains on the nation's constitutional government. The committee is convinced, however, that the competing demands of secrecy and the requirements of the democratic process—our Constitution and our laws—can be reconciled. The need to protect secrets must be balanced with the assurance that secrecy is not used as a means to hide the abuse of power or the failures and mistakes of policy. Means must and can be provided for lawful disclosure of unneeded or unlawful secrets.

The committee finds that intelligence activities should not be regarded as ends in themselves. Rather, the nation's intelligence functions should be organized and directed to assure that they serve the needs of those in the executive and legislative branches who have responsibility for formulating or carrying out foreign and national security policy.

The committee finds that Congress has failed to provide the necessary statutory guidelines to insure that intelligence agencies carry out their necessary missions in accord with constitutional process.

In order to provide firm direction for the intelligence agencies, the committee finds that new statutory charters for these agencies must be written which take account of the experience of the past three and a half decades. Further, the committee finds that the relationship among the various intelligence agencies and between them and the Director of Central Intelligence should be restructured in order to achieve better accountability, coordination and more efficient use of resources.

These tasks are urgent. They should be undertaken by the Congress in consultation with the executive branch in the coming year. The recent proposals and executive actions by the President are most welcome. However, further action by Congress is necessary.

Recommendations

1. The National Security Act should be recast by omnibus legislation which would set forth the basic purposes of national intelligence activities, and define the relationship between the Congress and the intelligence agencies of the executive branch. This revision should be given the highest priority by the intelligence oversight committee of Congress, acting in consultation with the executive branch.

2. The new legislation should define the charter of the organizations and entities in the United States intelligence community. It should establish charters for the National Security Council, the Director of Central Intelligence, the Central Intelligence Agency, the national intelligence components of the Department of Defense, including the National Security Agency and the Defense Intelligence Agency, and all other elements of the intelligence community, including joint organizations of two or more agencies.

3. This legislation should set forth the general structure and procedures of the intelligence community and the roles and responsibilities of the agencies which comprise it.

4. This legislation should contain specific and clearly defined prohibitions or limitations on various activities carried out by the respective components of the intelligence community.

The National Security Council and the Office of the President

The National Security Council is an instrument of the President and not a corporate entity with authority of its own. The committee found that in general the President has had, through the National Security Council, effective means for exerting broad policy control over at least two major clandestine activities — covert action and sensitive technical collection. The covert American involvement in Angola and the operations of the Glomar Explorer are examples of that control in quite different circumstances, whatever conclusions one draws about the merits of the activities. The Central Intelligence Agency, in broad terms, is not "out of control."

The committee found, however, that there were significant limits to this control.

Clandestine Activities

The degree of control and accountability regarding covert action and sensitive collection has been a function of each particular President's willingness to use these techniques.

The principal N.S.C. vehicle for dealing with clandestine activities, the 40 Committee and its predecessors, was the mechanism for reviewing and making recommendations regarding the approval of major covert action projects. However, this body also served generally to insulate the President from official involvement and accountability in the approval process until 1974.

As high-level Government officials, 40 Committee members have had neither time nor inclination to adequately review and pass judgment on all of the literally hundreds of covert action projects. Indeed, only a small fraction of such projects (those which the C.I.A. regards as major or sensitive) are so approved and/or reviewed. This problem is aggravated by the fact that the 40 Committee has had virtually no staff, with only a single officer from the clandestine services acting as executive secretary.

The process of review and approval has been, at times, only general in nature. It sometimes has become formal conducted over the telephone by subordinates.

The President, without consulting any N.S.C. mechanism, can exercise personal direction of clandestine activities as he did in the case of Chile in 1970.

There is no systematic White House-level review of either sensitive foreign espionage or counterintelligence activities. Yet these operations may also have a potential for embarrassing the United States and sometimes may be difficult to distinguish from covert action operations. For example, a proposal to recruit a high foreign government official as an intelligence "asset" would not necessarily be reviewed outside the Central Intelligence Agency, at the N.S.C. level, despite the implications that recruitment might pose in conducting American foreign relations. Similarly, foreign counterintelligence operations might be conducted without any prior review at the highest Government levels. The committee found instances in the case of Chile when counterintelligence operations were related to and even hard to distinguish from the program of covert action.

The President's proposals to upgrade the 40 Committee into the Operations Advisory Group and to give explicit recognition to its role in advising the President on covert activities are desirable. That upgrading, however, will strain further the Group's ability to conduct a systematic review of sensitive clandestine operations. Under the new structure, the Group members are cabinet officers who have even less time than their principal deputies, who previously conducted the 40 Committee's work. The Group's procedures must be carefully structured, so that the perspective of Cabinet officers can in fact be brought to bear.

Counterintelligence

There is no N.S.C.-level mechanism for coordinating, reviewing or approving counterintelligence activities in the United States, even those directed at United States citizens, despite the demonstrated potential for abuse.

Coordination and Resource Allocation

The Director of Central Intelligence has been assigned the function of coordinating the activities of the intelligence community, ensuring its responsiveness to the requirements for national intelligence and for assembling a consolidated national intelligence budget. Until the recent establishment of the Committee on Foreign Intelligence, there was no effective N.S.C.-level mechanism for any of these purposes.

Executive Oversight

The committee finds that Presidents have not established specific instruments of oversight to prevent abuses by the intelligence community. In essence, Presidents have not exercised effective oversight.

Recommendations

5. By statute, the National Security Council should be explicitly empowered to direct and provide policy guidance for the intelligence activities of the United States, including intelligence collection, counterintelligence, and the conduct of covert action.

6. By statute, the Attorney General should be made an adviser to the National Security Council in order to facilitate discharging his responsibility to insure that actions taken to protect American national security in the field of intelligence are also consistent with the Constitution and the laws of the United States.

7. By statute, the existing power of the Director of Central Intelligence to coordinate the activities of the intelligence community should be reaffirmed. At the same time, the N.S.C. should establish an appropriate committee, such as the new Committee on Foreign Intelligence, with responsibility for allocating intelligence resources to insure efficient and effective operation of the national intelligence community. This committee should be chaired by the D.C.I. and should include representatives of the Secretary of State, the Secretary of Defense, and the Assistant to the President for National Security Affairs.

8. By statute, an N.S.C. committee (like the Operations Advisory Group) should be established to advise the President on covert action. It would also be empowered, at the President's discretion, to approve all types of sensitive intelligence collection activities. If an O.A.G. member dissented from an approval, the particular collection activity would be referred to the President for

decision. The group should consist of the Secretary of State, the Secretary of Defense, the Assistant to the President for National Security Affairs, the Director of Central Intelligence, the Attorney General, the Chairman of the Joint Chiefs of Staff and the Director of O.M.B., as an observer. The President would designate a chairman from among the group's members.

9. The chairman of the group would be confirmed by the Senate for that position, if he were an official not already subject to confirmation.

In the execution of covert action and sensitive intelligence collection activities specifically approved by the President, the chairman would enter the chain of command below the President.

10. The group should be provided with adequate staff to assist in conducting thorough reviews of covert action and sensitive collection projects. That staff should not be drawn exclusively from the Clandestine Service of the C.I.A.

11. Each covert action project should be reviewed and passed on by the group. In addition, the group would review all ongoing projects at least once a year.

12. By statute, the Secretary of State should be designated as the principal Administration spokesman to the Congress on the policy and purpose underlying covert action projects.

13. By statute, the Director of Central Intelligence should be required to fully inform the intelligence oversight committee(s) of Congress of each covert action prior to its initiation. No funds should be expended on any covert action unless and until the President certifies and provides to the Congressional intelligence oversight committee(s) the reasons that a covert action is required by extraordinary circumstances to deal with grave threats to the national security of the United States. The Congressional intelligence oversight committee(s) should be kept fully and currently informed on all covert action projects, and the D.C.I. should submit a semiannual report on all such projects to the committee(s).

14. The committee recommends that when the Senate establishes an intelligence oversight committee with authority to authorize the national intelligence budget, the Hughes-Ryan Amendment (22 U.S.C., 2422) should be amended so that the foregoing notifications and Presidential certifications to the Senate are provided only to that committee.

15. By statute, a new N.S.C. counterintelligence committee should be established, consisting of the Attorney General as chairman, the Deputy Secretary of Defense, the Director of Central Intelligence, the Director of the F.B.I. and the Assistant to the President for National Security Affairs. Its purpose would be to coordinate and review foreign counterintelligence activities conducted within the United States and the clandestine collection of foreign intelligence within the United States, by both the F.B.I. and the C.I.A. The goal would be to insure strict conformity with statutory and constitutional requirements and to enhance coordination between the C.I.A. and F.B.I. This committee should review the standards and guidelines for all recruitments of agents within the United States for either counterintelligence or positive foreign intelligence purposes, as well as for the recruitment of U.S. citizens abroad. This committee would consider differences between the agencies concerning the recruitment of agents, the handling of foreign assets that come to the United States, and the establishment

of the bona fides of defectors. It should also treat any other foreign intelligence or counterintelligence activity of the F.B.I. and C.I.A. which either agency brings to that forum for Presidential level consideration.

The Director of Central Intelligence

The 1947 National Security Act gave the D.C.I. responsibility for "coordinating the intelligence activities of the several Government departments and agencies in the interest of national security." In addition, the D.C.I. as the President's principal foreign intelligence adviser was given responsibility for coordinating and producing national intelligence for senior policymakers. However, the committee found that these D.C.I. responsibilities have often conflicted with the particular interests and prerogatives of the other intelligence community departments and agencies. They have not given up control over their own intelligence operations, and in particular, the Department of Defense and the military services, which allocate 80 percent of the direct costs for national intelligence, have insisted that they must exercise direct control over peacetime intelligence activities to prepare for war. Thus, while the D.C.I. was given responsibility under the 1947 act for intelligence community activities, he was not authorized to centrally coordinate or manage the overall operations of the community.

Because the D.C.I. only provides guidance for intelligence collection and production and does not establish requirements, he is not in a position to command the intelligence community to respond to the intelligence needs of national policymakers. Where the D.C.I. has been able to define priorities, he has lacked authority to allocate intelligence resources—either among different systems of intelligence collection or among intelligence collection, analysis and finished intelligence production.

In the area of providing finished intelligence, the committee discovered that the D.C.I., in his role as intelligence judgments are objective and independent of department and agency biases. The committee has been particularly concerned with pressures from both the White House and the Defense Department on the D.C.I. to alter his intelligence judgments. One example of such pressure investigated by the committee occurred in the fall of 1969, when the D.C.I. modified his judgment on the capability of the Soviet SS-9 system when it conflicted with the public position of Secretary of Defense Laird. After a meeting with Staff of the Office of the Secretary of Defense, Director Helms deleted a paragraph from the draft of the National Intelligence Estimate on Soviet strategic forces which stated that within the next five years it was "highly unlikely" that the Soviets would attempt to achieve "a first strike capability, i.e., a capability to launch a surprise attack against the United States with assurance that the U.S.S.R. would not itself receive damage it would regard as unacceptable."

The committee believes that over the past five years the D.C.I.'s ability to produce objective national intelligence and resist outside pressure has been reduced with the dissolution of the independent Board of National Estimates and the subsequent delegation of its staff to the departments with responsibility for drafting D.C.I.'s national intelligence judgments.

The committee believes that the Con-

gress, in carrying out its responsibilities in the area of national security policy, should have access to the full range of intelligence produced by the United States intelligence community. The committee further believes that it should be possible to work out a means of insuring that the D.C.I.'s national intelligence judgments are available to the appropriate Congressional committees on a regular basis without compromising the D.C.I.'s role as personal adviser to the President.

Finally, the committee has found concern that the function of the D.C.I. in his role as intelligence community leader and principal intelligence adviser to the President is inconsistent with his responsibility to manage one of the intelligence community agencies—the C.I.A. Potential problems exist in a number of areas. Because the D.C.I. as head of the C.I.A. is responsible for human clandestine collection overseas, interception of signals communication overseas, the development and interception of technical collection systems, there is concern that the D.C.I. as community leader is in "a conflict of interest" situation when ruling on the activities of the over-all intelligence community.

The committee is also concerned that the D.C.I.'s new span of control—both the entire intelligence community and the entire C.I.A.—may be too great for him to exercise effective detailed supervision of clandestine activities.

Recommendations

16. By statute, the D.C.I. should be established as the President's principal foreign intelligence adviser, with exclusive responsibility for producing national intelligence for the President and the Congress. For this purpose, the D.C.I. should be empowered to establish a staff directly responsible to him to help prepare his national intelligence judgments and to coordinate the views of the other members of the intelligence community. The committee recommends that the director establish a board to include senior outside advisers to review intelligence products as necessary, thus helping to insulate the D.C.I. from pressures to alter or modify his national intelligence judgments. To advise and assist the D.C.I. in producing national intelligence, the D.C.I. would also be empowered to draw on other elements of the intelligence community.

17. By statute, the D.C.I. should be given responsibility and authority for establishing national intelligence requirements, preparing the national intelligence budget and providing guidance for United States national intelligence program operations. In this capacity he should be designated as chairman of the appropriate N.S.C. committee, such as the C.F.I. and should have the following powers and responsibilities:

a. The D.C.I. should establish national intelligence requirements for the entire intelligence community. He should be empowered to draw on intelligence community representatives and others whom he may designate to assist him in establishing national intelligence requirements and determining the success of the various agencies in fulfilling them. The D.C.I. should provide general guidance to the various intelligence agency directors for the management of intelligence operations.

b. The D.C.I. should have responsibility for preparing the national intelligence program budget for presentation to the President and the Congress. The definition of what is to be included

within that national intelligence program should be established by Congress in consultation with the executive. In this capacity, the Director of Central Intelligence should be involved early in the budget cycle in preparing the budgets of the respective intelligence community agencies. The director should have specific responsibility for choosing among the programs of the different collection and production agencies and departments and to insure against waste and unnecessary duplication. The D.C.I. should also have responsibility for issuing fiscal guidance for the allocation of all national intelligence resources. The authority of the D.C.I. to reprogram funds within the intelligence budget should be defined by statute.

c. In order to carry out his national intelligence responsibilities the D.C.I. should have the authority to review all foreign and military intelligence activities and intelligence resource allocations, including tactical military intelligence which is the responsibility of the armed forces.

d. The D.C.I. should be authorized to establish an intelligence community staff to support him in carrying out his managerial responsibilities. This staff should be drawn from the best available talent within and outside the intelligence community.

e. In addition to these provisions concerning D.C.I. control over national intelligence operations in peacetime, the statute should require establishment of a procedure to insure that in time of war the relevant national intelligence operations come under the control of the Secretary of Defense.

18. By statute, the position of Deputy Director of Central Intelligence for the intelligence community should be established as recommended in Executive Order No. 11905. This Deputy Director should be subject to Senate confirmation and would assume the D.C.I.'s intelligence community functions in the D.C.I.'s absence. Current provisions regarding the status of the D.C.I. and his single deputy should be extended to cover the D.C.I. and both deputies. Civilian control of the nation's intelligence is important; only one of the three could be a career military officer, active or retired.

19. The committee recommends that the intelligence oversight committee(s) of Congress consider whether the Congress should appropriate the funds for the national intelligence budget to the D.C.I., rather than to the directors of the various intelligence agencies and departments.

20. By statute, the Director of Central Intelligence should serve at the pleasure of the President but for no more than 10 years.

21. The committee also recommends consideration of separating the D.C.I. from direct responsibility over the C.I.A.

The Central Intelligence Agency

The Charter for Intelligence Activities: Espionage, Counterintelligence and Covert Action

The committee finds that the C.I.A.'s present charter, embodied in the National Security Act of 1947, the C.I.A. Act of 1949, and the 1974 Hughes-Ryan amendments to the Foreign Assistance Act, is inadequate in a number of respects.

While the legislative history of the 1947 act makes clear that the C.I.A.'s mandate would be limited to "foreign intelligence," the act itself does not so specify. Covert action, in the past a major C.I.A. activity, is not mentioned in the 1947 act, although the act contains a vague and open-ended authorization for the National Security Council to direct the C.I.A. to undertake "such other functions and duties related to the intelligence affecting the national security as the N.S.C. may from time to time direct." No explicit authority even to collect intelligence is provided the agency.

The restrictions on domestic activities in the 1947 act were not clearly defined, nor was the potential conflict between these limits and the director's authority to protect "sources and methods" of intelligence gathering resolved. Neither did the 1947 act set forth the agency's role in conducting counterintelligence and in collecting of foreign intelligence.

The Congress's confusing and ill-defined charge to the agency in these areas resulted in conflicts of jurisdiction with other governmental agencies. The lack of legislative specificity also opened the way to domestic activities such as Operation Chaos, which clearly went beyond Congress's intent in enacting and amending the National Security Act. In sum, the committee finds that a clear statutory basis is needed for the agency's conduct abroad of covert action, espionage, counterintelligence and foreign intelligence collection and for such counterespionage operations within the United States as the agency may have to undertake as a result of the activities abroad.

Foreign Espionage

Espionage on behalf of the United States Government is primarily the responsibility of the Central Intelligence Agency's Clandestine Service which operates on a worldwide basis. The Clandestine Service — officially, the Directorate of Operations — is responsible for C.I.A. clandestine human collection, espionage, covert action, paramilitary operations and counterintelligence. The C.I.A. also has special responsibilities for coordinating the military services' limited espionage activities abroad.

The committee believes that the United States cannot forgo clandestine human collection and expect to maintain the same quality of intelligence on matters of the highest importance to our national security. Technical collection systems do not eliminate the usefulness of espionage in denied areas (essentially the Communist countries). Agent intelligence can help provide valuable insight concerning the motivations for activities or policies of potential adversaries, as well as their future intentions.

Nevertheless, the committee found that there are certain inherent limitations to the value of clandestine sources. Espionage information tends to be fragmentary, and there is always some question as to the trustworthiness and reliability of the source.

The committee found that over the last decade, the size of the Clandestine Service has been reduced significantly, particularly in the field. However, there remains the question of whether the complements abroad and at headquarters have been reduced sufficiently.

The committee found that the C.I.A.'s clandestine collection effort has been reoriented towards denied areas and away from internal political and security developments in the third world. The committee believes that this changed emphasis is desirable and welcome.

Foreign Intelligence Collection in the United States

The C.I.A. engages in both overt and clandestine activity within the United States for the purpose of foreign intelligence collection. The agency's Domestic Collection Division is responsible primarily for overt collection, while the Foreign Resources Division manages clandestine collection of foreign intelligence. Both divisions are currently within the Directorate of Operations. Formerly run and staffed by the Directorate of Intelligence, the D.C.D. was moved to Operations in 1973 and now has many clandestine services officers assigned to it.

The Domestic Collection Division openly collects foreign intelligence information from American citizens on a wide variety of subjects, primarily of an economic and technological nature. The Domestic Collection Division currently maintains contact with tens of thousands of American citizens who, on a confidential basis, volunteer information of intelligence value to the United States. The committee notes that the Central Intelligence Agency is overtly in contact with many members of the American academic community to consult with them on the subjects of their expertise. On occasion, at the request of the academic concerned, these contacts are confidential.

The committee believes there are significant benefits to both the Government and the universities in such contacts and that they should not be discouraged. The committee sees no danger to the integrity of American academic institutions in continuing such overt contacts.

The Domestic Collection Division operates from 38 offices around the United States and lists itself in local telephone directories, although it conducts its business as discreetly as possible.

The committee notes that due to the recent revelations about C.I.A. activities, some foreign intelligence sources are shying away from cooperation with the Domestic Collection Division, thus impeding this division's most important function, namely, the overt collection of foreign intelligence.

The committee also questions the recruiting, for foreign espionage purposes, of immigrants desiring American citizenship because it might be construed as coercive.

Foreign Counterintelligence

Counterintelligence is defined quite broadly by the C.I.A. It includes the knowledge needed for the protection and preservation of the military, economic and productive strength of the United States, as well as the Government's security in domestic and foreign affairs, against or from espionage, sabotage and subversion designed to weaken or destroy the United States.

Counterintelligence is a special form of intelligence activity, aimed at discovering hostile foreign intelligence operations and destroying their effectiveness. It involves protecting the United States Government against infiltration by foreign agents, as well as controlling and manipulating adversary intelligence operations. An effort is made to discern the plans and intentions of enemy intelligence services and to deceive them about our own.

The committee finds that the threat from hostile intelligence services is real. In the United States alone, well over a thousand Soviet officials are on permanent assignment. Among these, over 40 percent have been identified as members of the KGB or GRU, the Soviet

civilian and military intelligence units, respectively. Estimates for the number of unidentified Soviet intelligence officers raise this figure to over 60 percent and some defector sources have estimated that 70 percent to 80 percent of Soviet officials in the United States have some intelligence connection.

Furthermore, the number of Soviets with access to the United States has tripled since 1960, and is still increasing. In 1974, for example, over 200 Soviet ships with a total crew complement of 13,000 officers and men visited this country. Some 4,000 Soviets entered the United States as commercial or exchange visitors in 1974. In 1972-1973, for example, approximately one-third of the Soviet exchange students here for the academic year under the East-West Student Exchange Program were co-operating with the KGB, according to the Central Intelligence Agency.

Other areas of counterintelligence concern include the sharp increase in the number of Soviet immigrants to the United States (4,000 in 1974 compared to fewer than 500 in 1972); the rise in East-West commercial exchange visitors (from 641 in 1972 to 1,500 in 1974); and the growing number of officials in this country from other Communist block nations (from 416 in 1960 to 798 in 1975).

Coordination between C.I.A. and F.B.I. counterintelligence units is especially critical. The history of C.I.A.-F.B.I. liaison has been turbulent, though a strong undercurrent of cooperation has usually existed at the staff level since 1952 when the bureau began sending a liaison person to the C.I.A. on a regular basis. The sources of friction between the C.I.A. and F.B.I. in the early days revolved around such matters as the frequent unwillingness of the bureau to collect positive intelligence for the C.I.A. within the United States or to help recruit foreign officials in this country.

The committee believes that counterintelligence requires the direct attention of Congress and the executive for three reasons: (1) two distinct and partly incompatible approaches to counterintelligence have emerged and demand reconciliation; (2) recent evidence suggests that F.B.I. counterespionage results have been less than satisfactory; and (3) counterintelligence has infringed on the rights and liberties of Americans.

Recommendations

22. By statute, a charter should be established for the Central Intelligence Agency which makes clear that its activities must be related to foreign intelligence. The agency should be given the following missions:

¶The collection of denied or protected foreign intelligence information.

¶The conduct of foreign counterintelligence.

¶The conduct of foreign covert action operations.

¶The production of finished national intelligence.

23. The C.I.A., in carrying out foreign intelligence mission I, would be permitted to engage in relevant activities within the United States so long as these activities do not violate the Constitution nor any Federal, state or local laws within the United States. The committee has set forth in its domestic recommendations proposed restrictions on such activities to supplement restrictions already contained in the 1947 National Security Act. In addition, the committee recommends that by statute the intelligence oversight committee(s) of Congress and the proposed counterintelligence committee of the National Security Council be required to review, at least annually, C.I.A. foreign intel-

ligence activities conducted within the United States.

24. By statute, the Attorney General should be required to report to the President and to the intelligence oversight committee(s) of Congress any intelligence activities which, in his opinion, violate the constitutional rights of American citizens or any other provision of law and the actions he has taken in response. Pursuant to the committee's domestic recommendations, the Attorney General should be made responsible for ensuring that intelligence activities do not violate the Constitution or any other provision of law.

25. The committee recommends the establishment of a special committee of the Committee on Foreign Intelligence to review all foreign human intelligence collection activities. It would make recommendations to the C.F.I. with regard to the scope, policies, and priorities of U.S. clandestine human collection operations and choices between overt and clandestine human collection. This committee would be composed of a representative of the Secretary of State as chairman, the other statutory members of the C.F.I., and others whom the President may designate.

26. The intelligence oversight committee(s) of Congress should carefully examine intelligence collection activities of the Clandestine Service to assure that clandestine means are used only when the information is sufficiently important and when such means are necessary to obtain such information.

27. The intelligence oversight committee(s) should consider whether:

¶the Domestic Collection Division (overt collection operations) should be removed from the Directorate of Operations (the Clandestine Service), and returned to the Directorate of Intelligence;

¶the C.I.A.'s regulations should require that the D.C.D.'s overt contacts be informed when they are to be used for operational support of clandestine activities;

¶the C.I.A.'s regulations should prohibit recruiting as agents immigrants who have applied for American citizenship.

28. The President of the United States, in consultation with the intelligence oversight committee(s) of Congress, should undertake a classified review of current issues regarding counterintelligence. This review should form the basis for a classified Presidential statement on national counterintelligence policy and objectives, and should closely examine the following issues: compartmentation, operations, security, research, accountability, training, internal review, deception, liaison and coordination, and manpower.

C.I.A. Production of Finished Intelligence

Intelligence production refers to the process (coordination, collation, evaluation, analysis, research and writing) by which "raw" intelligence is transformed into "finished" intelligence for senior policymakers. The finished intelligence product includes a daily report and summaries, as well as longer analytical studies and monographs on particular topics of policy interest. In the C.I.A., finished intelligence is produced by the Directorate of Intelligence and Directorate of Science and Technology.

Certain problems and issues in the area of the production of intelligence in the C.I.A. have come to the committee's attention. The committee believes these problems deserve immediate attention by both the executive branch and future Congressional intelligence oversight bodies. These problems bear directly on the resources allocated to

the production of finished intelligence; the personnel system and the organizational structure of intelligence production.

The committee recognizes that it is not the primary purpose of intelligence to predict every world event. Rather, the principal function of intelligence is to anticipate major foreign developments and changes in policies which bear on United States interests. Intelligence should also provide a deeper understanding of the behavior, processes, and long-term trends which may underlie sudden military and political developments.

The committee wishes to emphasize that there is an important difference between an intelligence failure and a policy failure. The United States had intelligence on the possibility of a Turkish invasion of Cyprus in 1974. The problem of taking effective action to prevent such an invasion was a policy question and not an intelligence failure.

The committee has received evidence that on some subjects, such as the current capability of the strategic and conventional forces of potential adversaries, U.S. intelligence is considered excellent. But in other areas, U.S. finished intelligence is viewed by policymakers as far from satisfactory in light of the total resources devoted to intelligence. On balance, the committee found that the quality, timeliness, and utility of our finished intelligence is generally considered adequate, but that major improvement is both desirable and possible.

One issue examined by the committee is whether intelligence community elements responsible for producing finished intelligence receive adequate attention and support. Production is, in the words of one observer, "the step-child of the intelligence community." Since finished intelligence is a principal purpose of all United States intelligence activities, the committee finds that this neglect of finished intelligence is unacceptable for the future.

Intelligence resources are overwhelmingly devoted to intelligence collection. The system is inundated with raw intelligence. The individual analyst responsible for producing finished intelligence have difficulty dealing with the sheer volume of information. Policymakers want the latest reports, and producers of finished intelligence often have to compete with the producers of raw intelligence for policymakers' attention. In a crisis situation, analysts tend to focus on the latest piece of evidence at the expense of a longer and broader view. Intelligence community staff saw this tendency as one reason why the Cyprus coup in July 1974 was not foreseen.

The intelligence community staff, in its post-mortem on the 1974 Cyprus crisis noted another general analytical problem which was involved in the failure to anticipate the Cyprus coup and the Arab attack on Israeli forces in October of 1973: "the perhaps subconscious conviction (and hope) that, ultimately, reason and rationality will prevail, that apparently irrational moves (the Arab attack, the Greek sponsored coup) will not be made by essentially rational men."

An additional area of the committee's concern is that analysts are often not informed in a timely way of national policies and programs which affect their analyses and estimates. In its examination of cases involving Cambodia and Chile in the 1970's, the committee encountered evidence that the analysts were so deprived.

A final issue raised by the committee's investigation of intelligence production:

is whether the new organizational structure proposed by the President will assure the appropriate stature for the Directorate of Intelligence to help overcome existing problems in the production of finished intelligence. Instead of reporting directly to the D.C.I. (who is still to be the President's chief intelligence adviser), C.I.A. analysts may well report through the Deputy for the C.I.A. Experience indicates that the new deputy will need to devote the bulk of his time to managing the Clandestine Services and the Directorate for Science and Technology. At the same time, the D.C.I. may be preoccupied with greater communitywide management responsibilities. Without some further restructuring, the committee believes that the production of finished intelligence may be lost in the shuffle.

Recommendations

29. By statute, the Director of the Directorate of Intelligence should be authorized to continue to report directly to the Director of Central Intelligence.

30. The committee recommends that a system be devised to insure that intelligence analysts are better and more promptly informed about United States policies and programs affecting their respective areas of responsibility.

31. The Central Intelligence Agency and the intelligence oversight committee(s) of Congress should re-examine the personnel system of the Directorate of Intelligence with a view to providing a more flexible, less hierarchical personnel system. Super-grade positions should be available on the basis of analytical capabilities.

32. The Directorate for Intelligence should seek to bring more analysts into the C.I.A. at middle and upper grade levels for both career positions and temporary assignments.

33. Greater emphasis should be placed on stimulating development of new tools and methods of analysis.

34. Agency policy should continue to encourage intelligence analysts to assume substantive tours of duty on an open basis in other agencies (State, Defense, NSC staff) or in academic institutions to broaden both their analytical outlook and their appreciation for the relevance of their analysis to policymakers and operators within the Government.

Covert Action and Paramilitary Operations

Covert action is the attempt to influence the internal affairs of other nations in support of United States foreign policy in a manner that conceals the participation of the United States Government. Covert action includes political and economic action, propaganda and paramilitary activities.

The basic unit of covert action is the project. Covert action "projects" can range from single assets, such as a journalist placing propaganda, through a network of assets working in the media, to major covert and military intervention such as in Laos. The agency also maintains what it terms an "operational infrastructure" of "standby" assets (agents of influence or media assets) who can be used in major operations—such as in Chile. These "stand-

by" assets are part of ongoing, most often routine, projects. There are no inactive assets.

Covert Action

The committee has found that the C.I.A. has conducted some 900 major or sensitive covert action projects plus several thousand smaller projects since 1961. The need to maintain secrecy shields covert action projects from the rigorous public scrutiny and debate necessary to determine their compatibility with established American foreign policy goals. Recently, a large-scale covert paramilitary operation in Angola was initiated without any effort on the part of the executive branch to articulate and win public support for its overall policy in Africa. Only public disclosure has allowed the nation to apply its standards of success or failure to covert action projects and then only in retrospect, often without the benefit of the details prompting the original choice of covert rather than overt action.

The secrecy covert action requires means that the public cannot determine whether such actions are consistent with established foreign policy goals. This secrecy also has allowed covert actions to take place which are inconsistent with our basic traditions and values.

Some covert operations have passed retrospective public judgments, such as the support given Western European democratic parties facing strong Communist opposition in the late 1940's and 1950's. Others have not. In the view of the committee, the covert harassment of the democratically elected government of Salvador Allende in Chile did not command U.S. public approval.

Paramilitary Operations

Covert paramilitary operations are a special, extreme form of covert action. These operations most often consist of covert military assistance and training, but occasionally have involved actual combat activities by American advisers.

Because military assistance involves foreign policy commitments, it is, with one exception, authorized by the Congress. That exception is covert military assistance which is channeled through the C.I.A. without being authorized or approved by the Congress as a whole.

Covert U.S. paramilitary combat operations frequently amount to making war, but do not come under the War Powers Act since they usually do not involve uniformed U.S. military officers. American military officers engaged in C.I.A.-sponsored paramilitary operations are "sheep-dipped" for paramilitary duty—that is, they appear to resign from the military yet preserve their place for reactivation once their tour as civilians in paramilitary operations has ended.

The committee finds that major paramilitary operations have often failed to achieve their intended objective. Most have eventually been exposed. Operations, as in Angola, recently, and Indonesia in the late 1950's are examples of such paramilitary failures. Others, such as Laos, are judged successes by the C.I.A. and officials within the executive branch. The "success" in Laos, however, must be seen against the larger American involvement in Indochina which failed.

Paramilitary operations often have evolved into large-scale programs with a high risk of exposure (and thus embarrassment and/or failure). In some cases, the C.I.A. has been used to undertake paramilitary operations simply because the agency is less accountable to the public for highly visible "secret"

military operations. In all cases considered by the committee, command and control within the executive branch was rigorous. However, all such operations have been conducted without direct Congressional authority or public debate. In recent years, some have been continued in the face of strong Congressional disapproval.

Recently, however—apart from Angola—United States paramilitary activities have been at a very low level. The capability for these actions, residing jointly in the C.I.A. and the Department of Defense, consists of a cadre of trained officers, stockpiles of military equipment, logistic networks and small collections of air and maritime assets.

Recommendations

35. The legislation establishing the charter for the Central Intelligence Agency should specify that the C.I.A. is the only U.S. Government agency authorized to conduct covert actions. The purpose of covert actions should be to deal with grave threats to American security. Covert actions should be consistent with publicly defined United States foreign policy goals, and should be reserved for extraordinary circumstances when no other means will suffice. The legislation governing covert action should require executive branch procedures which will insure careful and thorough consideration of both the general policies governing covert action and particular covert action projects; such procedures should require the participation and accountability of highest level policymakers.

36. The committee has already recommended, following its investigation of alleged assassination attempts directed at foreign leaders, a statute to forbid such activities. The committee reaffirms its support for such a statute and further recommends prohibiting the following covert activities by statute:

¶All political assassinations.

¶Efforts to subvert democratic governments.

¶Support for police or other internal security forces which engage in the systematic violation of human rights.

37. By statute, the appropriate N.S.C. committee (e.g., the Operations Advisory Group) should review every covert action proposal.

The Committee recommends that the Operations Advisory Group review include:

¶A careful and systematic analysis of the political premises underlying the recommended actions, as well as the nature, extent, purpose, risks, likelihood of success and costs of the operation. Reasons explaining why the objective can not be achieved by overt means should also be considered.

¶Each covert action project should be formally considered at a meeting of the OAG, and if approved, forwarded to the President for final decision. The views and positions of the participants would be fully recorded. For the purpose of OAG, Presidential, and Congressional considerations, all so-called non-sensitive projects should be aggregated according to the extraordinary circumstances or contingency against which the project is directed.

38. By statute, the intelligence oversight committee(s) of Congress should require that the annual budget submission for covert action programs be specified and detailed as to the activity recommended. Unforeseen covert action projects should be funded from the Contingency Reserve Fund which

could be replenished only after the concurrence of the oversight and any other appropriate congressional committees. The congressional intelligence oversight committee should be notified prior to any withdrawal from the Contingency Reserve Fund.

39. By statute, any covert use by the U.S. Government of American citizens as combatants should be preceded by the notification required for all covert actions. The statute should provide that within 60 days of such notification such use shall be terminated unless the Congress has specifically authorized such use. The Congress should be empowered to terminate such use at any time.

40. By statute, the Executive branch should be prevented from conducting any covert military assistance program (including the indirect or direct provision of military material, military or logistics advice and training, and funds for mercenaries) without the explicit prior consent of the intelligence oversight committee(s) of Congress.

Reorganization of C.I.A. The Position of the D.C.I.

The committee recommendations regarding the Director of Central Intelligence would, if implemented, increase his authority over the entire intelligence community. Given such increased authority, the committee believes that both the executive branch and the intelligence oversight committee(s) of Congress should give careful consideration to removing the D.C.I. from direct management responsibility for the Central Intelligence Agency. This would free the D.C.I. to concentrate on his responsibilities with regard to the entire intelligence community and would remove him from any conflict of interest in performing that task. It might also increase the accountability of the Central Intelligence Agency by establishing a new and separate senior position—a Director of the Central Intelligence Agency—responsible for only the C.I.A.

The Structure of the C.I.A.

The committee believes that several important problems uncovered in the course of this inquiry suggest that serious consideration also be given to major structural changes in the C.I.A.—in particular, separating national intelligence production and analysis from the clandestine service and other collection functions. Intelligence production could be placed directly under the D.C.I., while clandestine collection of foreign intelligence from human and technical sources and covert operations would remain in the C.I.A.

Recommendations

41. The intelligence oversight committee(s) of Congress in the course of developing a new charter for the intelligence community should give consideration to separating the functions of the D.C.I. and the Director of the C.I.A. and to dividing the intelligence analysis and production functions from the clandestine collection and covert action functions of the present C.I.A.

Relations With United States Institutions and Private Citizens

In the immediate postwar period, as the Communists pressed to influence

and to control international organizations and movements, mass communications, and cultural institutions, the United States responded by involving American private institutions and individuals in the secret struggle over minds, institutions, and ideals. In the process, the C.I.A. subsidized, and even helped develop "private" or nongovernment organizations that were designed to compete with Communists around the world. The C.I.A. supported not only foreign organizations, but also the international activities of United States student, labor, cultural, and philanthropic organizations.

These covert relationships have attracted public concern and this committee's attention because of the importance that Americans attach to the independence of these institutions.

The committee found that in the past the scale and diversity of these covert actions has been extensive. For operational purposes, the C.I.A. has:

¶Fund a special program of a major American business association.

¶Collaborated with an American trade union federation.

¶Helped to establish a research center at a major United States university.

¶Supported an international exchange program sponsored by a group of United States universities.

¶Made widespread use of philanthropic organizations to fund such covert action programs.

1. Covert Use of the U.S. Academic Community

The Central Intelligence Agency is now using several hundred American academics, who in addition to providing leads and, sometimes making introductions for intelligence purposes, occasionally write books and other material to be used for propaganda purposes abroad. Beyond these, an additional few score are used in an unwitting manner for minor activities.

These academies are located in over 100 American colleges, universities and related institutes. At the majority of institutions, no one other than the individual academic concerned is aware of the C.I.A. link. At the others, at least one university official is aware of the operational use made of academics on his campus. In addition, there are several American academics abroad who serve operational purposes, primarily the collection of intelligence.

The C.I.A. gives a high priority to obtaining leads on potential foreign intelligence sources especially those from Communist countries. This agency's emphasis reflects the fact that many foreign nationals in the United States are in this category. The committee notes that American academics provide valuable assistance in this activity.

The committee is concerned, however, that American academics involved in such activities may undermine public confidence that those that train our youth are upholding the ideals, independence and integrity of American universities.

Government Grantees

C.I.A. regulations adopted in 1967 prohibit the "operational" use of certain narrow categories of individuals. The C.I.A. is prohibited from using ceiling grants from the Board of Foreign Fellowships under the Fulbright-Hayes Act. There is no prohibition on the use of individuals participating in any other federally funded exchange programs. For example, the C.I.A. may use those grantees—artists, specialists, athletes, leaders, etc.—who do not receive their grants from the Board of

Foreign Scholarships. The Committee is concerned that there is no prohibition against exploiting such open Federal programs for clandestine purposes.

2. The Covert Use of Books and Publishing Houses

The committee has found that the Central Intelligence Agency attaches a particular importance to book publishing activities as a form of covert propaganda. A former officer in the Clandestine Service stated that books are "the most important weapon of strategic (longrange) propaganda." Prior to 1967, the Central Intelligence Agency sponsored, subsidized or produced over 1,000 books; approximately 25 percent of them in English. In 1967 alone, the CIA published or subsidized over 200 books, ranging from books on African safaris and wildlife to translations of Machiavelli's "The Prince" into Swahili and works of T. S. Eliot into Russian, to a competitor to Mao's little red book, which was entitled "Quotations from Chairman Liu."

The committee found that an important number of the books actually produced by the Central Intelligence Agency were reviewed and marketed in the United States.

3. Domestic "Fallout"

The committee finds that covert media operations can result in manipulating or incidentally misleading the American public. Despite efforts to minimize it, CIA employees, past and present, have conceded that there is no way to shield the American public completely from "fallout" in the United States from agency propaganda or placements overseas. Indeed, following the Katzenbach inquiry, the Deputy Director for Operations issued a directive stating: "Fallout in the United States from a foreign publication which we support is inevitable and consequently permissible."

The domestic fallout of covert propaganda comes from many sources: books intended primarily for an English-speaking foreign audience, CIA press placements that are picked up by an international wire service, and publications resulting from direct CIA funding of foreign institutes. For example, a book written for an English-speaking foreign audience by one CIA operative was reviewed favorably by another CIA agent in The New York Times.

4. Covert Use of American Religious Personnel

The committee has found that over the years the CIA has used very few religious personnel for operational purposes. The CIA informed the committee that only 21 such individuals have ever participated in either covert action projects or the clandestine collection of intelligence. On Feb. 10, 1976, the CIA announced: "CIA has no secret paid or contractual relationships with any American clergyman or missionary. This practice will be continued as a matter of policy."

The committee welcomes this policy with the understanding that the prohibition against all "paid or contractual relationships" is in fact a prohibition against any operational use of all Americans following a religious vocation.

Recommendations

In its consideration of the recommendations that follow, the committee

noted the Central Intelligence Agency's concern that further restriction on the use of Americans for operational purposes will constrain current operating programs. The committee recognizes that there may be at least some short-term operational losses if the committee recommendations are effected. At the same time, the committee believes that there are certain American institutions whose integrity is critical to the maintenance of a free society and which should therefore be free of any unwitting role in the clandestine service of the United States Government.

42. The committee is concerned about the integrity of American academic institutions and the use of individuals affiliated with such institutions for clandestine purposes. Accordingly, the committee recommends that the CIA amend its internal directives to require that individual academics used for operational purposes by the CIA, together with the President or equivalent official of the relevant academic institutions, be informed of the clandestine CIA relationship.

43. The committee further recommends that, as soon as possible, the permanent intelligence oversight committee(s) of Congress examine whether further steps are needed to insure the integrity of American academic institutions.

44. By statute, the CIA should be prohibited from the operational use of grantees who are receiving funds through educational and/or cultural programs which are sponsored by the United States Government.

45. By statute, the CIA should be prohibited from subsidizing the writing or production for distribution within the United States or its territories, of any book, magazine, article, publication, film, or video or audio tape unless publicly attributed to the CIA. Nor should the CIA be permitted to undertake any activity to accomplish indirectly such distribution within the United States or its territories.

46. The committee supports the recently adopted CIA prohibitions against any paid or contractual relationship between the agency and U.S. and foreign journalists accredited to U.S. media organizations. The CIA prohibitions should, however, be established in law.

47. The committee recommends that the CIA prohibitions be extended by law to include the operational use of any person who regularly contributes material to, or is regularly involved directly or indirectly in the editing of, material, or regularly acts to set policy or provide direction to the activities of U.S. media organizations.

48. The committee recommends that the agency's recent prohibition on covert paid or contractual relationship between the agency and any American clergyman or missionary should be established by law.

Proprietaries and Cover

Proprietary Organizations

CIA proprietaries are business entities wholly owned by the agency which do business, or only appear to do business, under commercial guise. They are part of the "arsenal of tools" of the CIA's Clandestine Services. They have been used for espionage as well as covert action. Most of the larger proprietaries have been used for paramilitary purposes. The committee finds that too often large proprietaries

have created unwarranted risks of unfair competition with private business and of compromising their cover as clandestine operations. For example, Air America, which at one time had as many as 8,000 employees, ran into both difficulties.

While internal CIA financial controls have been regular and systematic, the committee found a need for even greater accountability both internally and externally. Generally, those auditing of the CIA have been denied access to operational information, making management-oriented audits impossible. Instead, audits have been concerned only with financial security and integrity.

The committee found that the CIA's Inspector General has, on occasion, been denied access to certain information regarding proprietaries. This has sometimes inhibited the ability of the inspector office to serve the function for which it was established. Moreover, the General Accounting Office has not audited these operations. The lack of review, by either the GAO or the CIA Inspector General's office, means that, in essence, there has been no outside review of proprietaries.

One of the largest current proprietaries is an insurance-investment complex established in 1962 to provide pension annuities, insurance and escrow management for those who, for security reasons, could not receive them directly from U.S. Government. The committee determined that the Congress was not informed of the existence of this proprietary until "sometime" after it had been made operational and had invested heavily in the domestic stock markets—a practice the CIA has discontinued. Moreover, once this proprietary was removed from the Domestic Operations Division and placed under the General Counsel's office it received no annual CIA project review.

The record establishes that on occasion the insurance-investment complex had been used to provide operational support to various covert action projects. The Inspector General, in 1970, criticized this use of the complex because it threatened to compromise the security of the complex's primary insurance objectives.

Cover

The committee examined cover because it is an important aspect of all CIA clandestine activities. Its importance is underscored by the tragic murder of a CIA station chief in Greece, coupled with continuing disclosures of CIA agents' names. The committee sought to determine what, if anything, has been done in the past to strengthen cover, and what should be done in the future.

The committee found conflicting views about what constitutes cover, what it can do, and what should be done to improve it. A 1970 CIA inspector general report termed the agency's concept and use of cover to be lax, arbitrary, uneven, confused, and loose. The present cover staff in the CIA considered the 1970 assessment to be simplistic and overly harsh. There is no question, however, that some improvements and changes are needed.

The committee finds that there is a basic tension between maintaining adequate cover and effectively engaging in overseas intelligence activities. Almost every operational act by a CIA officer under cover in the field—from working with local intelligence and police to attempting to recruit agents,

—reveals his true purpose and chips away at his cover. Some forms of cover do not provide concealment but offer a certain degree of deniability. Others are so elaborate that they limit the amount of work an officer can do for the C.I.A. In carrying out their responsibilities, C.I.A. officers generally regard the maintenance of cover as a "nuisance."

The situation of the Athens station chief, Richard Welch, illustrates the problem of striking the right balance between cover and operations, and also the transparency of cover. As the chief of the C.I.A.'s cover staff stated, by the time a person becomes chief of station, "there is not a great deal of cover left. The chief of the cover staff identified terrorism as a further security problem for officers overseas, one that is aggravated by the erosion of cover.

Recommendations

49. By statute, the C.I.A. should be permitted to use proprietaries subject to external and internal controls.

50. The committee recommends that the intelligence oversight committee(s) of Congress require at least an annual report on all proprietaries. The report should include a statement of each proprietary's nature and function, the results of internal annual C.I.A. audits, a list of all C.I.A. intercessions on behalf of its proprietaries with any other United States Government departments, agencies or bureaus, and such other information as the oversight committee deems appropriate.

51. The intelligence oversight committee(s) of Congress should require that the fiscal impact of proprietaries on the C.I.A.'s budget be made clear in the D.C.I.'s annual report to the oversight committee. The committee should also establish guidelines for creating large proprietaries, should these become necessary.

52. By statute, all returns of funds from proprietaries not needed for its operational purposes or because of liquidation or termination of a proprietary, should be remitted to the United States Treasury as Miscellaneous Receipts.

The Department of Justice should be consulted during the process of the sale or disposition of any C.I.A. proprietary.

53. By statute, former senior government officials should be prohibited from negotiating with the C.I.A. or any other agency regarding the disposal of proprietaries. The intelligence oversight committee of Congress should consider whether other activities among agencies of the intelligence community, the C.I.A. and former officials and employees, such as selling to or negotiating contracts with the C.I.A., should also be prohibited as is the case regarding military officials under 18 U.S.C. 207.

Intelligence Liaison

Throughout the entire period of the C.I.A.'s history, the agency has entered into liaison agreements with the intelligence services of foreign powers. Such arrangements are an extremely important and delicate source of intelligence and operational support. Intelligence channels can also be used to negotiate agreement outside the field of intelligence. The committee notes that all treaties require the advice and consent of the Senate, and executive agreements must be reported to the Foreign Relations Committee of the Senate. Because of the importance of intelligence liaison agreements to national security, the committee is con-

cerned that such agreements have not been systematically reviewed by the Congress in any fashion.

Recommendations

54. By statute, the C.I.A. should be prohibited from causing, funding, or encouraging actions by liaison services which are forbidden to the C.I.A. Furthermore, the fact that a particular project, action, or activity of the C.I.A. is carried out through or by a foreign liaison service should not relieve the agency of its responsibilities for clearance within the agency, within the executive branch, or with the Congress.

55. The intelligence oversight committee of Congress should be kept fully informed of agreements negotiated with other governments through intelligence channels.

The General Counsel and Inspector General

The general counsel, as chief legal officer of the Central Intelligence Agency, has a special role in insuring that C.I.A. activities are consistent with the Constitution and laws of the United States. The committee found that, in the past, the participation of the general counsel in determining the legality or propriety of C.I.A. activities was limited; in many instances the general counsel was not consulted about sensitive projects. In some cases the director's investigative arm, the inspector general, discovered questionable activities often were not referred to the general counsel for a legal opinion. Moreover, the general counsel never had general investigatory authority.

The committee believes that the intelligence oversight committee(s) of Congress should examine the internal review mechanisms of foreign and military intelligence agencies and consider the feasibility of applying recommendations such as those suggested for the C.I.A.

Recommendations

56. Any C.I.A. employee having information about activities which appear illegal, improper, outside the agency's legislative charter, or in violation of agency regulations, should be required to inform the director, the general counsel, or the inspector general of the agency. If the general counsel is not informed, he should be notified by the other officials of such reports. The general counsel and the inspector general shall, except where they deem it inappropriate, be required to provide such information to the head of the agency.

57. The D.C.I. should be required to report any information regarding employee violations of law related to their duties and the results of any internal agency investigation to the Attorney General.

58. By statute, the director of the C.I.A. should be required to notify the appropriate committee of the Congress of any referrals made to the Attorney General pursuant to the previous recommendation.

59. The director of the C.I.A. should periodically require employees having any information on past, current, or proposed agency activities which appear illegal, improper, outside the agency's legislative charter, or in violation of the agency's regulations, to report such information.

60. By statute, the general counsel and the inspector general should have unrestricted access to all agency information and should have the authority to review all of the agency activities.

61. All significant proposed C.I.A. activities should be reviewed by the general counsel for legality and constitutionality.

62. The program of component inspections conducted by the inspector general should be increased, as should the program of surveys of sensitive programs and issues which cut across component lines in the Agency.

63. The director shall, at least annually, report to the appropriate committees of Congress on the activities of the office of the general counsel and the office of the inspector general.

64. By statute, the general counsel should be nominated by the President and confirmed by the Senate.

65. The agency's efforts to expand and strengthen the staffs of the general counsel and inspector general should be continued.

66. The general counsel should be promoted to, and the inspector general should continue to hold executive rank equal to that of the deputy directors of the C.I.A.

The Department of Defense

General Findings and Conclusions

The committee finds that despite the magnitude of the tasks and the complexity of the relationships, most of the important collection activities conducted by the Defense Department (the reconnaissance and SIGINT systems) are managed relatively efficiently and are generally responsive to the needs of the military services as well as to the policy makers on the national level.

Defense intelligence must respond to a range of consumers—policymakers in Washington, defense and technical analysts, and operational commanders in the field—yet, the primary mission of defense intelligence is to supply the armed services with the intelligence necessary for their operations. This overriding departmental requirement creates a major problem in the over-all allocation of intelligence resources throughout the intelligence community. In promulgating Executive order 11905, the Administration has decided on a greater centralization of authority in the Director of Central Intelligence. The committee notes that this will require some changes in the Secretary of Defense's authority over allocating defense intelligence resources. With regard to intelligence resources management within the Department of Defense, the committee found that the establishment of a Deputy Secretary of Defense for Intelligence should enable more effective management of defense intelligence resources and help the Defense Department play an appropriate role in the new centralized interagency structure under the Director of Central Intelligence.

Increasingly, technological intelligence systems have grown capable of serving both the interest of national policymakers and planners and of field commanders. Thus, it is often difficult to distinguish between "national" and "tactical" intelligence assets, collection or production. It is the committee's view that while the effect of the President's Executive order giving the D.C.I. more authority will be to bring national intelligence assets and budgets under the D.C.I.'s control and guidance, the

defense intelligence programs which are tactical in nature and integral to the military's operational commands should remain under the control of the Secretary of Defense. The precise line drawn between the tactical and military intelligence at any given time will have a significant impact on the definition of national intelligence and on the purview of any oversight committee of Congress.

The Defense Intelligence Agency

Historically, DOD has managed the bulk of all technical intelligence collection systems, but the C.I.A. has managed many important national technical collection systems and has been in charge of much of the analytic function and is the primary producer of national intelligence. The largest proportion of intelligence needed by the military establishment, however, is tactical. Therefore, national intelligence is a secondary mission of D.I.A. Much of D.I.A.'s effort is directed toward producing intelligence needed by the J.C.S., the United and Specified Commands, and force planners and technical analysts in the services. The Secretary of Defense, on the other hand, is equally or more concerned with national intelligence. In this context, it is not surprising that DOD's civilian leadership has complemented D.I.A.'s product with analyses from sources in other agencies.

The National Security Agency

The National Security Agency is one of the largest and most technically oriented components of the United States intelligence community. Its basic function is collecting and processing foreign communications and signals for intelligence purposes. N.S.A. is also responsible for creating and supervising the cryptography of all United States Government agencies, and has a special responsibility for supervising the military services' cryptologic agencies. Another major responsibility is protecting the security of American communications.

The committee regards these functions as vital to American security. N.S.A.'s capability to perform these functions must be preserved. The committee notes that despite the fact that N.S.A. has been in existence for several decades, N.S.A. still lacks a legislative charter. Moreover, in its extensive investigation, the committee has identified intelligence community abuses in levying requirements on N.S.A. and abuses by N.S.A. itself in carrying out its functions. The committee finds that there is a compelling need for an N.S.A. charter to spell out limitations which will protect individual constitutional rights without impairing N.S.A.'s necessary foreign intelligence mission.

Recommendations

67. In order to implement the committee's and the President's recommendations for expanding the D.C.I.'s resource allocation responsibility, appropriate adjustments should be made in the Secretary of Defense's general authority regarding defense intelligence activities and in the department's internal budgeting procedures. At the same time, there should be provision for the transfer to the Secretary of Defense of responsibilities, particularly tasking intelligence agencies, in the event of war.

68. By statute, the intelligence oversight committee (s) of Congress, in con-

sultation with the executive, should establish a charter for the Defense Intelligence Agency which would clearly define its mission and relationship to other intelligence agencies. The committee recommends that the charter include the following provisions:

A. In order to encourage close coordination between consumers and producers of national intelligence, D.I.A. should be a part of the office of the Secretary of Defense and should report directly to the Deputy Secretary of Defense for Intelligence. A small J-2 staff should be constituted to provide intelligence support, primarily of an operational nature, to the Joint Chiefs of Staff. The Secretary of Defense should insure full coordination and free access to information between the two groups.

B. The Director of the D.I.A. should be appointed by the President and subject to Senate confirmation. Either the director or deputy director of the agency should be a civilian.

C. The Congress must relieve D.I.A. from certain civil service regulations in order to enable the quality of D.I.A. personnel to be upgraded. In addition, more supergrade positions must be provided for civilians in D.I.A.

69. By statute, a charter for the National Security Agency should be established which, in addition to setting limitations on the agency's operations, would provide that the Director of N.S.A. would be nominated by the President and subject to confirmation by the Senate. The director should serve at the pleasure of the President, but for not more than 10 years. Either the director or the deputy director should be a civilian.

70. The Department of Defense should centralize the service counterintelligence and investigative activities within the United States in the Defense Investigative Service in order to reduce wasteful duplication.

The Department of State and Ambassadors

The Department of State and the Foreign Service have an important role in the intelligence operations of the United States Government. Because of its responsibilities in formulating and conducting U.S. foreign policy, the State Department is a principal customer for intelligence. Abroad, the Foreign Service, operating overtly, is the principal collector of political intelligence and is a major collector of economic intelligence.

Because of its foreign policy responsibilities and its worldwide complex of diplomatic and consular installations, the Department of State is the only Washington agency potentially able to oversee other U.S. Government activities abroad — including those of the C.I.A. In the field, this responsibility clearly falls on the ambassador by law. Indeed, ambassadors are the sole mechanism available outside of the C.I.A. itself to assure that N.S.C. decisions are appropriately carried out by the Clandestine Service. The committee found that the role of the Department of State and the ambassadors constitute a central element in the control and improvement in America's intelligence operations overseas. However, the committee also found that ambassadors are often reluctant to exercise their authority in intelligence matters. The department has not encouraged them to do so, and the Administration has not issued directives to implement

existing law covering the authority of ambassadors.

In contrast to covert action, the committee found that neither the State Department nor U.S. ambassadors are substantially informed about espionage or counterintelligence activities directed at foreign governments. Such coordination as exists in this respect is at the initiative of the Central Intelligence Agency and is infrequent. The committee found that there is no systematic assessment outside the C.I.A. of the risks of foreign espionage and counterespionage operations and the extent to which those operations conform with overall foreign policy.

In general, ambassadors in the field are uninformed about specific espionage activities within their countries of assignment. Unlike the case of covert action, ambassadors are not asked to appraise the risks of espionage activities, nor to assess their benefits. Often ambassadors do not want to know the specifics of such operations, and what coordination as exists in their cases is based on a general injunction from them to the station chiefs that they not be confronted with any "surprises."

That is not always enough if an ambassador wishes to participate in policy decisions. For example, a shift of resources toward recruitment of internal targets in a Western country was under consideration between Washington and the field, and the U.S. ambassador had not been informed. In this connection, the committee believes it would be unrealistic to use clandestine recruitment to try to establish the kind of intimate relationship with political élites in friendly countries which we have enjoyed as a result of the shared experience of WWII and its aftermath.

The committee finds that more than a year after enactment of a statute making ambassadors responsible for directing, coordinating and supervising all U. S. Government employees within their country of assignment, instructions implementing this law have still not been issued by any quarter of the executive branch. A former Under Secretary of State told the Committee that the law, in effect, had been "suspended" in view of Presidential inaction. Moreover, the C.I.A. has not modified its practices pursuant to this law. The committee finds this thwarting of the United States law unacceptable.

The committee finds that ambassadors cannot effectively exercise their legal responsibilities for a wide variety of intelligence activities within their jurisdiction without State Department assistance on the Washington aspects of the activities. Such support is particularly important in the case of intelligence operations aimed at a third country. An ambassador may be able to judge the local risks of an espionage effort, but if it is directed toward a third country the ambassador may not be able to assess the importance or value of the effort without Washington support.

At present, the C.I.A. handles both State Department and its own communications with overseas posts. Under this arrangement, the ambassador's access to C.I.A. communications is at the discretion of the C.I.A. The committee finds that this is not compatible with the role assigned to the ambassador by law: the ambassador cannot be sure that he knows the full extent and nature of C.I.A. operations for which he may be held accountable.

The committee finds that ambassadors' policies governing intelligence activities have sometimes been interpreted in a manner which vitiated their intent. For example, one ambassador prohibited any electronic surveillance by his em-

bassy's C.I.A. component. The head of the C.I.A. component interpreted this to proscribe only C.I.A. electronic surveillance and believed that such surveillance could be conducted in cooperation with local security services.

The committee found evidence that C.I.A. station chiefs abroad do not always coordinate their intelligence reporting on local developments with their ambassadors. The committee does not believe that ambassadors should be able to block C.I.A. field reports. However, it found that there was no standard practice for ambassadors to review and comment on intelligence reporting from the field.

The committee finds that the Foreign Service is the foremost producer in the United States Government of intelligence on foreign political and economic matters. The committee believes, however, that the State Department does not adequately train Foreign Service personnel, particularly in political reporting. Nor does the department fund their collection operations, nor manage their activities so as to take full advantage of this extremely important intelligence capability. In effect, the department, despite being a major source of intelligence, considers this function secondary to its principal task of diplomatic representation and negotiations.

From discussions in nearly a dozen Foreign Service posts, the committee established that there is inadequate funding for Foreign Service reporting officers to carry out their responsibilities. The funds available are considered "representation funds" and must be shared with the administration and consular sections of most embassies. Such representation funds have been a favorite target for Congressional cuts in the State Department budget.

Recommendations

71. The National Security Council, the Department of State and the Central Intelligence Agency should promptly issue instructions implementing Public Law 93-475 (22 U.S.C. 2680a). These instructions should make clear that ambassadors are authorized recipients of sources and methods information concerning all intelligence activities, including espionage and counterintelligence operations. Parallel instructions from other components of the intelligence community should be issued to their respective field organizations and operatives. Copies of all these instructions should be made available to the intelligence oversight committee(s) of Congress.

72. In the exercise of their statutory responsibilities, ambassadors should have the personal right, which may not be delegated, of access to the operational communications of the C.I.A.'s Clandestine Service in the country to which they are assigned. Any exceptions should have Presidential approval and should be brought to the attention of the intelligence oversight committees of Congress.

73. By statute, the Department of State should be authorized to take the necessary steps to assure its ability to provide effective guidance and support to ambassadors in the execution of their responsibilities under Public Law 93-475 (22 U.S.C. Sect. 2680a).

74. Consideration should be given to increasing and earmarking funds for Foreign Service overt collection of foreign political and economic information. These funds might be administered jointly by the State Department's Bureau of Intelligence and Research and the Bureau of Economic Affairs.

75. The N.S.C. should review the question of which U.S. Government

agency should control and operate communications with overseas diplomatic and consular posts, including the C.I.A. and other civilian agencies operating abroad.

76. The Department of State should establish specific training programs for political reporting within the Foreign Service Institute, and place greater emphasis on economic reporting.

Oversight and the Intelligence Budget

The committee finds that a full understanding of the budget of the intelligence community is required for effective oversight. The secrecy surrounding the budget, however, makes it impossible for Congress as a whole to make use of this valuable oversight tool.

Congress as a body has never explicitly voted on a "budget" for national intelligence activities. Congress has never voted funds specifically for C.I.A., N.S.A., and other national intelligence instrumentalities of the Department of Defense.

The funding levels for these intelligence agencies are fixed by subcommittees of the Armed Services and Appropriations Committees of both houses. Funds for these agencies are then concealed in the budget of the Department of Defense. Since this departmental is the budget is the one Congress approves, Congress as a whole, and the public, have never known how much the intelligence agencies are spending or how much is spent on intelligence activities generally. Neither Congress as a whole nor the public can determine whether the amount spent on intelligence, or by the intelligence agencies individually, is appropriate given the priorities.

Because the funds for intelligence are concealed in defense appropriations those appropriations are thereby inflated. Most members of Congress and the public can neither determine which categories are inflated nor the extent to which funds in the inflated categories are being used for purposes for which they are approved.

Finally, the committee believes there is serious question as to whether the present system of complete secrecy violates the constitutional provision that: "No Money shall be drawn from the

Treasury but in Consequence of Appropriations made by Law; and a regular Statement and Account of the Receipts and Expenditures of all public Money shall be published from time to time."

The committee believes that the overall figure for national intelligence activities can be made public annually without endangering national security or revealing sensitive programs. The committee carefully examined the possible impact of such disclosure on the sources and methods of intelligence gathering and believes it to be minimal. The committee found that the primary concern about this level of disclosure was that it would lead to pressure for even more detailed revelation which would compromise vital intelligence programs.

The committee believes that disclosure of an aggregate figure for national intelligence is as far as it is prudent to go at this stage in reconciling the nation's constitutional and national security requirements. Public speculation about overall intelligence costs would be eliminated, the public would be assured that funds appropriated to particular government agencies were in fact intended for those agencies, and both Congress and the public would be

able to assess overall priorities in governmental spending.

Recommendations

77. The intelligence oversight committee(s) of Congress should authorize on an annual basis a "National Intelligence Budget," the total amount of which would be made public. The committee recommends that the oversight committee consider whether it is necessary, given the constitutional requirement and the national security demands, to publish more detailed budgets.

78. The intelligence oversight committee(s) of Congress should monitor the tactical and indirect support accounts as well as the national activities of intelligence agencies in order to assure that they are kept in proper perspective and balance.

79. At the request of the intelligence oversight committee(s) of Congress and as its agent, staff members of the General Accounting Office should conduct full audits, both for compliance and for management of all components of the intelligence community. The G.A.O. should establish such procedures, compartmentation and clearances as are necessary in order to conduct these audits on a secure basis. In conducting such audits, the G.A.O. should be authorized to have all access to all necessary files and records of the intelligence community.

Chemical and Biological Agents and the Intelligence Community

The committee investigated the testing and use of chemical and biological agents by agencies within the intelligence community. The testing programs originated in response to fears that countries hostile to the United States would use chemical and biological agents against Americans or our allies. Initially, this fear led to defensive programs. Soon this defensive orientation became secondary as the possibility of using these chemical and biological agents to obtain information from, or to gain control of, enemy agents became apparent.

The committee found that United States intelligence agencies engaged in research and development programs to discover materials which could be used to alter human behavior. As part of this effort, testing programs were instituted, first involving unwitting human subjects. Later, drugs were surreptitiously administered to unwitting human subjects.

The agency considered the testing programs highly sensitive. The committee found that few people within the agencies knew about them: There is no evidence that Congress was informed about them. These programs were kept from the American public because, as the inspector general of the C.I.A. wrote, "the knowledge that the agency is engaging in unethical and illicit activities would have serious repercussions in political and diplomatic circles and would be detrimental to the accomplishment of its [C.I.A.'s] mission."

The research and development program and particularly the testing program involving unwitting human subjects involved massive abridgements of the rights of individuals, sometimes with tragic consequences. The deaths of two Americans resulted from these programs; other participants in the testing programs still suffer residual effects.

While some controlled testing for defensive purposes might be defended, the nature of the tests, their scale, and the fact that they were continued for years after it was known that the surreptitious administration of LSD to unwitting subjects was dangerous, indicate a disregard for human life and liberty.

The committee also found that within the intelligence community there were destructive jurisdictional conflicts over drug testing. Military testers withheld information from the C.I.A., ignoring their superiors' suggestions for coordination. The C.I.A. similarly failed to provide information on its programs to the military. In one case the military attempted to conceal their overseas operational testing of LSD from the C.I.A. and the C.I.A. attempted surreptitiously to discover the details of the military's program.

Recommendations

80. The C.I.A. and other foreign and foreign military intelligence agencies should not engage in experimentation on human subjects utilizing any drug, device or procedure which is designed, intended, or is reasonably likely to harm the physical or mental health of the human subject, except with the informed consent in writing, witnessed by a disinterested third party, of each human subject, and in accordance with the guidelines issued by the National Commission for the Protection of Human Subjects for Biomedical and Behavioral Research. Further, the jurisdiction of the commission should be amended to include the Central Intelligence Agency and the other intelligence agencies of the United States Government.

81. The Director of the Central Intelligence Agency and the Secretary of Defense should continue to make determined efforts to locate those individuals involved in human testing of chemical and biological agents and to provide follow-up examinations and treatment, if necessary.

General Recommendations

82. Internal Regulations — Internal C.I.A. directives or regulations regarding significant agency policies and procedures should be waived only with the explicit written approval of the Director of Central Intelligence. Waiver of any such regulation or directive should in no way violate any law or infringe on the constitutional right and freedom of any citizen. If the D.C.I. approves the waiver or amendment of any significant regulation or directive, the N.S.C. and the appropriate Congressional oversight committee(s) should be notified immediately. Such notification should be accompanied by a statement explaining the reasons for the waiver or amendment.

83. Security Clearances—In the course of its investigation, the committee found that because of the many intelligence agencies participating in security clearance investigations, current security clearance procedures involve duplication of effort, waste of money and inconsistent patterns of investigation and standards. The intelligence oversight committee(s) of Congress, in consultation with the intelligence community, should consider framing standard security clearance procedures for all civilian intelligence agencies and background checks for Congressional committees when security clearances are required.

84. Personnel Practices—The com-

mittee found that intelligence agency training programs fail to instruct personnel adequately on the legal limitations and prohibitions applicable to intelligence activities. The committee recommends that these training programs should be expanded to include review of constitutional, statutory, and regulatory provisions in an effort to heighten awareness among all intelligence personnel concerning the potential effects intelligence activities may have on citizens' legal rights.

85. Security Functions of the Intelligence Agencies—The committee found that the security components of intelligence agencies sometimes engaged in law enforcement activities. Some of these activities may have been unlawful. Intelligence agencies' security functions should be limited to protecting the agencies personnel and facilities, and lawful activities and to assuring that intelligence personnel follow proper security practices.

86. Secrecy and Authorized Disclosure—The committee has received various Administration proposals that would require persons having access to classified and sensitive information to maintain the secrecy of that information. The committee recommends that the issues raised by these proposals be considered by the new legislative intelligence oversight committees of Congress and that, in recasting the 1947 National Security Act and in consultation with the executive branch, the oversight committees consider the wisdom of new secrecy and disclosure legislation. In the view of the committee any such consideration should include carefully defining the following terms: national secrets; sources and methods; lawful and unlawful classification; lawful and unlawful disclosure.

The new legislation should provide civil and/or criminal penalties for unlawful classification and unlawful disclosure. The statute should also provide for internal departmental and

agency procedures for employees who believe that classification and/or disclosure procedures are being improperly or illegally used to report such belief. There should also be a statutory procedure whereby an employee who has used the agency channel to no avail can report such belief without impunity to an "authorized" institutional group outside the agency. The new intelligence Oversight Board is one such group. The intelligence oversight committee(s) of Congress would be another. The statute should specify that revealing classified information in the course of reporting information to an authorized group would not constitute unlawful disclosure of classified information.

87. Federal Register for Classified Executive Orders—In the course of its investigation, the committee often had difficulty locating classified orders, directives, instructions, and regulations issued by various elements of the executive branch. Access to these orders by the intelligence oversight committee(s) of Congress is essential to informed oversight of the intelligence community.

The committee recommends that a Federal Register for classified executive orders be established, by statute. The statute should require the registry, under appropriate security procedures, of all executive orders—however they are labeled—concerning the intelligence activities of the United States. Among the documents for which registry in the Classified Federal Register should be required are all National Security Council Intelligence Directives and all Director of Central Intelligence Directives. Provision should be made for access to classified executive orders by the intelligence oversight committee(s) of Congress. Classified executive orders would not be lawful until filed with the registry, although there should be provision for immediate implementation in emergency situations with prompt subsequent registry required.

NEW YORK TIMES
27 April 1976

3 SENATORS SCORE C.I.A. OVER REPORT

Some Security Objections Are Called Outlandish

WASHINGTON, April 26 (AP)—The Central Intelligence Agency used national security arguments to strip the final report of the Senate Intelligence Committee of any data that might embarrass or inconvenience it, three members of the committee said today.

"Some of the so-called security objections of the C.I.A. were so outlandish they were dismissed out of hand," the three Senators said.

They said that the agency wanted to eliminate any reference to the Bay of Pigs as a paramilitary operation, and to delete any reference to C.I.A. activities in Laos "and they wanted the committee to excise testimony given in public before the television cameras."

They said that in some cases

other requested deletions were clearly justified on security grounds.

They said that in some cases other requested deletions were clearly justified on security grounds.

"But in other cases, the C.I.A. in our view used the classification stamp not for security, but to censor material that would be embarrassing, inconvenient or likely to provoke an adverse public reaction to C.I.A. activities," the Senators said.

The three Senators are Philip A. Hart of Michigan, Walter F. Mondale of Minnesota and Gary Hart of Colorado, all Democrats.

They said that in preparing the report the committee "bent over backwards" to insure that no intelligence sources, methods or other classified materials were disclosed.

But they said that in a number of complicated areas the committee's concern "enabled the C.I.A. to use the clearance process to alter the report to the point where some of its most important implications are either lost or obscured in vague language."

THE NEW YORK TIMES, THURSDAY, APRIL 29, 1976

EXCERPTS FROM SENATE'S INTELLIGENCE REPORT

Special to The New York Times

WASHINGTON, April 28—Following are excerpts from "Intelligence Activities and the Rights of Americans," the final report of the Senate Select Committee on Intelligence Activities.

INTRODUCTION AND SUMMARY

The constitutional system of checks and balances has not adequately controlled intelligence activities. Until recently the executive branch has neither delineated the scope of permissible activities nor established procedures for supervising intelligence agencies. Congress has failed to exercise sufficient oversight, seldom questioning the use to which its appropriations were being put. Most domestic intelligence issues have not reached the courts, and in those cases when they have reached the courts, the judiciary has been reluctant to grapple with them.

Each of these points is briefly illustrated below.

1. The Number of People Affected by Domestic Intelligence Activity

United States intelligence agencies have investigated a vast number of American citizens and domestic organizations. F.B.I. headquarters alone has developed over 500,000 domestic intelligence files, and these have been augmented by additional files at F.B.I. field offices. The F.B.I. opened 65,000 of these domestic intelligence files in 1972 alone. In fact, substantially more individuals and groups are subject to intelligence scrutiny than the number of files would appear to indicate since, typically, each domestic intelligence file contains information on more than one individual or group, and this information is readily retrievable through the F.B.I. General Name Index.

The number of Americans and domestic groups caught in the domestic intelligence net is further illustrated by the following statistics:

Nearly a quarter of a million first class letters were opened and photographed in the United States by the C.I.A. between 1953-1973, producing a C.I.A. computerized index of nearly one and one-half million names.

At least 300,000 individuals were indexed in a C.I.A. computer system and separate files were created on approximately 7,200 Americans and over 100 domestic groups during the course of C.I.A.'s Operation CHAOS (1967-1973).

Millions of private telegrams sent from, to or through the United States were obtained by the National Security Agency from 1947 to 1975 under a secret arrangement with three United States telegraph companies.

An estimated 100,000 Americans were the subjects of United States Army intelligence files created between the mid-1960's and 1971.

Intelligence files on more than 11,000 individuals and groups were created by the Internal Revenue Service between

1969 and 1973 and tax investigations were started on the basis of political rather than tax criteria.

At least 26,000 individuals were at one point catalogued on an F.B.I. list of persons to be rounded up in the event of a "national emergency."

2. Too Much Information Is Collected for Too Long

Intelligence agencies have collected vast amounts of information about the intimate details of citizens' lives and about their participation in legal and peaceful political activities. The targets of intelligence activity have included political adherents of the right and the left, ranging from activist to casual supporters. Investigations have been directed against proponents of racial causes and women's rights, outspoken apostles of nonviolence and racial harmony; establishment politicians; religious groups, and advocates of new life styles. The widespread targeting of citizens and domestic groups and the excessive scope of the collection of information is illustrated by the following examples:

(a) The women's liberation movement was infiltrated by informants who collected material about the movement's policies, leaders and individual members. One report included the name of every woman who attended meetings, and another stated that each woman at a meeting had described "how she felt oppressed, sexually or otherwise." Another report concluded that the movement's purpose was to "free women from the humdrum existence of being only a wife and mother," but still recommended that the intelligence investigation should be continued.

(b) A prominent civil rights leader and adviser to Dr. Martin Luther King Jr. was investigated on the suspicion that he might be a Communist "sympathizer." The F.B.I. field office concluded he was not. Bureau headquarters directed that the investigation continue using a theory of "guilty until proven innocent".

"The bureau does not agree with the expressed belief of the field office that _____ is not sympathetic to the party cause. While there may not be any evidence that _____ is a Communist, neither is there any substantial evidence that _____ is anti-Communist."

(c) F.B.I. sources reported on the formation of the Conservative American Christian Action Council in 1971. In the 1950's, the bureau collected information about the John Birch Society and passed it to the White House because of the society's "scurrilous attack" on President Eisenhower and other high Government officials.

(d) Some investigations of the lawful

activities of peaceful groups have continued for decades. For example, the N.A.A.C.P. was investigated to determine whether it "had connections with" the Communist Party. The investigation

lasted for over 25 years, although nothing was found to rebut a report during the first year of the investigation that the N.A.A.C.P. had a "strong tendency" to "steer clear of Communist activities." Similarly, the F.B.I. has admitted that the Socialist Workers Party has committed no criminal acts. Yet the bureau has investigated the Socialist Workers Party for more than three decades on the basis of its revolutionary rhetoric—which the F.B.I. concedes falls short of incitement to violence—and its claimed international links. The bureau is currently using its informants to collect information about S.W.P. members' political views, including those on "U.S. involvement in Angola," "food prices," "racial matters," the "Vietnam War" and about any of their efforts to support non-S.W.P. candidates for political office.

(e) National political leaders fell within the broad reach of intelligence investigations. For example, Army Intelligence maintained files on Senator Adlai Stevenson and Congressman Abner Mikva because of their participation in peaceful political meetings under surveillance by Army agents. A letter to Richard Nixon, while he was a candidate for President in 1968, was intercepted under C.I.A.'s mail opening program. In the 1960's President Johnson asked the F.B.I. to compare various senators' statements on Vietnam with the Communist Party line and to conduct name checks on leading antiwar senators.

(f) As part of their effort to collect information which "related even remotely" to people or groups "active" in communities which had "the potential" for civil disorder, Army intelligence agencies took such steps as: sending agents to a Halloween party for elementary school children in Washington, D.C., because they suspected a local "dissident" might be present; monitoring protests of welfare mothers' organizations in Milwaukee; infiltrating a coalition of church youth groups in Colorado, and sending agents to a priests' conference in Washington, D.C., held to discuss birth control measures.

(g) In the late 1960's and early 1970's, student groups were subjected to intense scrutiny. In 1970 the F.B.I. ordered investigations of every member of the Students for a Democratic Society and of "every black student union and similar group regardless of their past or present involvement in disorders." Files were opened on thousands of young men and women so that, as the former head of F.B.I. intelligence explained, the information could be used if they ever applied for a Government job.

In the 1960's bureau agents were instructed to increase their efforts to discredit "New Left" student demonstrators by tactics including publishing photographs ("naturally the most obnoxious picture should be used"), using "misinformation" to falsely notify members events had been canceled, and writing "tell-tale" letters to students' parents.

(h) The F.B.I. Intelligence Division

commonly investigated any indication that "subversive" groups already under investigation were seeking to influence or control other groups. One example of the extreme breadth of this "infiltration" theory was an F.B.I. instruction in the mid-1960's to all field offices to investigate every "free university" because some of them had come under "subversive influence."

(i) Each administration from Franklin D. Roosevelt's to Richard Nixon's permitted and sometimes encouraged Government agencies to handle essentially political intelligence. For example:

President Roosevelt asked the F.B.I. to put in its files the names of citizens sending telegrams to the White House opposing his "national defense" policy and supporting Col. Charles Lindbergh.

President Truman received inside information on a former Roosevelt aide's efforts to influence his appointments, labor union negotiating plans and the publishing plans of journalists.

President Eisenhower received reports on purely political and social contacts with foreign officials by Bernard Baruch, Mrs. Eleanor Roosevelt and Supreme Court Justice William O. Douglas.

The Kennedy Administration had the F.B.I. wiretap a Congressional staff member, three executive officials, a lobbyist and a Washington law firm. Attorney General Robert F. Kennedy received the fruits of a F.B.I. "tap" on Martin Luther King Jr. and a "bug" on a Congressman, both of which yielded information of a political nature.

President Johnson asked the F.B.I. to conduct "name checks" of his critics and of members of the staff of his 1964 opponent, Senator Barry Goldwater. He also requested purely political intelligence on his critics in the Senate, and received extensive intelligence reports on political activity at the 1964 Democratic Convention from F.B.I. electronic surveillance.

President Nixon authorized a program of wiretaps which produced for the White House purely political or personal information unrelated to national security, including information about a Supreme Court justice.

3. Covert Action and the Use of Illegal or Improper Means

(a) Covert Action

Apart from uncovering excesses in the collection of intelligence, our investigation has disclosed covert actions directed against Americans, and the use of illegal and improper surveillance techniques to gather information. For example:

(i) The F.B.I.'s Cointelpro—counter-intelligence program—was designed to "disrupt" groups and "neutralize" individuals deemed to be threats to domestic security. The F.B.I. resorted to counterintelligence tactics in part because its chief officials believed that the existing law could not control the activities of certain dissident groups and that court decisions had tied the hands of the intelligence community. Whatever opinion one holds about the policies of the targeted groups, many of the tactics employed by the F.B.I. were indisputably degrading to a free society. Cointelpro tactics included:

Anonymously attacking the political beliefs of targets in order to induce their employers to fire them;

Anonymously mailing letters to the spouses of intelligence targets for the purpose of destroying their marriages;

Obtaining from I.R.S. the tax returns of a target and then attempting to provoke an I.R.S. investigation for the express purpose of deterring a protest leader from attending the Democratic National Convention;

Falsely and anonymously labeling as Government informants members of groups known to be violent, thereby exposing the falsely labelled member to expulsion or physical attack;

Pursuant to instructions to use "misinformation" to disrupt demonstrations, employing such means as broadcasting fake orders on the same citizens band radio frequency used by demonstration marshals to attempt to control demonstrations and duplicating and falsely filling out forms soliciting housing for persons coming to a demonstration, thereby causing "long and useless journeys to locate these addresses."

Sending an anonymous letter to the leader of a Chicago street gang (described as "violence-prone") stating that the Black Panthers were supposed to have "a hit for you." The letter was suggested because it "may intensify . . . animosity" and cause the street gang leader to "take retaliatory action."

From "late 1963" until his death in 1968, Martin Luther King Jr. was the target of an intensive campaign by the Federal Bureau of Investigation to "neutralize" him as an effective civil rights leader. In the words of the man in charge of the F.B.I.'s "war" against Dr. King, "No holds were barred."

The F.B.I. gathered information about Dr. King's plans and activities through an extensive surveillance program, employing nearly every intelligence-gathering technique at the bureau's disposal in order to obtain information about the "private activities of Dr. King and his advisers" to use to "completely discredit" them.

The program to destroy Dr. King as the leader of the civil rights movement included efforts to discredit him with executive branch officials, Congressional leaders, foreign heads of state, American ambassadors, churches, universities and the press.

The F.B.I. mailed Dr. King a tape recording made from microphones hidden in his hotel rooms which one agent testified was an attempt to destroy Dr. King's marriage. The tape recording was accompanied by a note which Dr. King and his advisors interpreted as threatening to release the tape recording unless Dr. King committed suicide.

The extraordinary nature of the campaign to discredit Dr. King is evident from two documents.

At the August 1963 march on Washington, Dr. King told the country of his "dream" that:

"All of God's children, black men and white men, Jews and Gentiles, Protestant and Catholics, will be able to join hands and sing in the words of the old Negro spiritual, 'Free at last, free at last, thank God Almighty, I'm free at last.'"

The bureau's Domestic Intelligence Division concluded that this "demagogic speech" established Dr. King as the "most dangerous and effective Negro leader in the country." Shortly afterwards, and within days after Dr. King was named "Man of the Year" by Time magazine, the F.B.I. decided to "take him off his pedestal, reduce him completely in influence," and select and promote its own candidate to "assume the role of the leadership of the Negro people."

In early 1968, bureau headquarters explained to the field that Dr. King must be destroyed because he was seen as a potential "messiah" who could "unify and electrify" the "black nation."

alist movement." Indeed to the F.B.I. he was a potential threat because he might "abandon his supposed 'obedience' to white liberal doctrines (non-violence)." In short, a nonviolent man was to be secretly attacked and destroyed as insurance against his abandoning nonviolence.

(b) Illegal or Improper Means

The surveillance which we investigated was not only vastly excessive in breadth and a basis for degrading counterintelligence actions, but was also often conducted by illegal or improper means. For example:

(1) For approximately 20 years the C.I.A. carried out a program of indiscriminately opening citizens first class mail. The bureau also had a mail opening program, but canceled it in 1966. The bureau continued, however, to receive the illegal fruits of C.I.A.'s program. In 1970, the heads of both agencies signed a document for President Nixon, which correctly stated that mail opening was illegal, falsely stated that it had been discontinued and proposed that the illegal opening of mail should be resumed because it would provide useful results. The President approved the program, but withdrew his approval five days later. The illegal opening continued nonetheless. Throughout this period C.I.A. officials knew that mail opening was illegal but expressed concern about the "flap potential" of exposure, not about the illegality of their activity.

(2) From 1947 until May 1975, N.S.A. received from international cable companies millions of cables which had been sent by American citizens in the reasonable expectation that they would be kept private.

(3) Since the early 1930's, intelligence agencies have frequently wiretapped and bugged American citizens without the benefit of judicial warrant. Recent court decisions have curtailed the use of these techniques against domestic targets. But past subjects of these surveillances have included a United States Congressman, a Congressional staff member, journalists and newsmen, and numerous individuals and groups who engaged in no criminal activity and who posed no genuine threat to the national security, such as two White House domestic affairs advisers and an anti-Vietnam War protest group. While the prior written approval of the Attorney General has been required for all warrantless wiretaps since 1940, the record is replete with instances where this requirement was ignored and the Attorney General gave only after-the-fact authorization.

Until 1965, microphone surveillance by intelligence agencies was wholly unregulated in certain classes of cases. Within weeks after a 1954 Supreme Court decision denouncing the F.B.I.'s installation of a microphone in a defendant's bedroom, the Attorney General informed the bureau that he did not believe the decision applied to national security cases and permitted the F.B.I. to continue to install microphones subject only to its own "intelligent restraint."

(4) In several cases, purely political information (such as the reaction of Congress to an Administration's legislative proposal) and purely personal information (such as coverage of the extramarital social activities of a high-level executive official under surveillance) was obtained from electronic sur-

veillance and disseminated to the highest levels of the Federal Government.

(5) Warrantless break-ins have been conducted by intelligence agencies since World War II. During the 1960's alone, the F.B.I. and C.I.A. conducted hundreds of break-ins, many against American citizens and domestic organizations. In some cases, these break-ins were to install microphones; in other cases, they were to steal such items as membership lists from organizations considered "subversive" by the bureau.

(6) The most pervasive surveillance technique has been the informant. In a random sample of domestic intelligence cases, 83 percent involved informants and 5 percent involved electronic surveillance. Informants have been used against peaceful, law-abiding groups; they have collected information about personal and political views and activities. To maintain their credentials in violence-prone groups, informants have involved themselves in violent activity. This phenomenon is well illustrated by an informant in the Klan. He was present at the murder of a civil rights worker in Mississippi and subsequently helped to solve the crime and convict the perpetrators. Earlier, however, while performing duties paid for by the Government, he had previously "beaten people severely, had boarded buses and kicked people, had [gone] into restaurants and beaten them [blacks] with blackjack, chains, pistols." Although the F.B.I. requires agents to instruct informants that they cannot be involved in violence, it was understood that in the Klan, "he couldn't be an angel and be a good informant."

4. Ignoring the Law

Officials of the intelligence agencies occasionally recognized that certain activities were illegal, but expressed concern only for "flap potential." Even more disturbing was the frequent testimony that the law and the Constitution were simply ignored. For example, the author of the so-called Huston plan testified:

Question: Was there any person who stated that the activity recommended, which you have previously identified as being illegal opening of the mail and breaking and entry or burglary—was there any single person who stated that such activity should not be done because it was unconstitutional?

Answer: No.

Question: Was there any single person who said such activity should not be done because it was illegal?

Answer: No.

Similarly, the man who for 10 years headed F.B.I.'s Intelligence Division testified that:

"... never once did I hear anybody, including myself, raise the question: is this course of action which we have agreed upon lawful, is it legal, is it ethical or moral. We never gave any thought to this line of reasoning, because we were just naturally pragmatic."

Although the statutory law and the Constitution were often not "[given] a thought," there was a general attitude that intelligence needs were responsive to a higher law. Thus, as one witness testified in justifying the F.B.I.'s mail opening program:

"It was my assumption that what we were doing was justified by what we had to do . . . the greater good, the national security."

5. Deficiencies in Accountability and Control

The overwhelming number of excesses continuing over a prolonged period of time were due in large measure to the fact that the system of checks and balances—created in our Constitution to limit abuse of governmental power—was seldom applied to the intelligence community. Guidance and regulation from outside the intelligence agencies—where it has been imposed at all—has been vague. Presidents and other senior executive officials, particularly the Attorneys General, have virtually abdicated their constitutional responsibility to oversee and set standards for intelligence activity. Senior Government officials generally gave the agencies broad, general mandates or pressed for immediate results on pressing problems. In neither case did they provide guidance to prevent excesses and their broad mandates and pressures themselves often resulted in excessive or improper intelligence activity.

Congress has often declined to exercise meaningful oversight, and on occasion has passed laws or made statements which were taken by intelligence agencies as supporting overly broad investigations.

On the other hand, the record reveals instances when intelligence agencies have concealed improper activities from their superiors in the executive branch and from the Congress, or have elected to disclose only the less questionable aspects of their activities.

There has been, in short, a clear and sustained failure by those responsible to control the intelligence community and to insure its accountability. There has been an equally clear and sustained failure by intelligence agencies to fully inform the proper authorities of their activities and to comply with directives from those authorities.

6. The Adverse Impact of Improper Intelligence Activity

Many of the illegal or improper disruptive efforts directed against American citizens and domestic organizations succeeded in injuring their targets. Although it is sometimes difficult to prove that a target's misfortunes were caused by a counterintelligence program directed against him, the possibility that an arm of the United States Government intended to cause the harm and might have been responsible is itself abhorrent.

The committee has observed numerous examples of the impact of intelligence operations. Sometimes the harm was readily apparent—destruction of marriages, loss of friends or jobs. Sometimes the attitudes of the public and of Government officials responsible for formulating policy and resolving vital issues were influenced by distorted intelligence. But the most basic harm was to the values of privacy and freedom which our Constitution seeks to protect and which intelligence activity infringed on a broad scale.

(a) General Efforts to Discredit

Several efforts against individuals

and groups appear to have achieved their stated aims. For example:

(a) A bureau field office reported that the anonymous letter it had sent to an activist's husband accusing his wife of infidelity "contributed very strongly" to the subsequent breakup of the marriage.

(b) Another field office reported that a draft counsellor, deliberately and falsely accused of being an F.B.I. informant, was "ostracized" by his friends and associates.

(c) Two instructors were reportedly put on probation after the bureau sent an anonymous letter to a university administrator about their funding of an anti-Administration student newspaper.

(d) The bureau evaluated its attempts to "put a stop" to a contribution to the Southern Christian Leadership Conference as "quite successful."

(e) An F.B.I. document boasted that a "pretext" phone call to Stokely Carmichael's mother telling her that members of the Black Panther Party intended to kill her son left her "shocked." The memorandum intimated that the bureau believed it had been responsible for Carmichael's flight to Africa the following day.

(b) Media Manipulation

The F.B.I. has attempted covertly to influence the public's perception of persons and organizations by disseminating derogatory information to the press, either anonymously or through "friendly" news contacts. The impact of those articles is generally difficult to measure, although in some cases there are fairly direct connections to injury to the target. The bureau also attempted to influence media reporting which would have an impact on the public image of the F.B.I. Examples include:

(f) Planning a series of derogatory articles about Martin Luther King Jr., and the poor people's campaign.

For example, in anticipation of the 1968 "poor people's march on Washington, D. C.", bureau headquarters granted authority to furnish "cooperative news media sources" an article "designed to curtail success of Martin Luther King's fund raising." Another memorandum illustrated how "photographs of demonstrators" could be used in discrediting the civil rights movement. Six photographs of participants in the poor people's campaign in Cleveland accompanied the memorandum with the following note attached: "These [photographs] show the militant aggressive appearance of the participants and might be of interest to a cooperative news source." Information on the "poor people's campaign was provided by the F.B.I. to friendly reporters on the condition that "the Bureau must not be revealed as the source."

(g) Soliciting information from field offices "on a continuing basis" for "prompt . . . dissemination to the news media . . . to discredit the New Left movement and its adherents." The headquarters directive requested, among other things, that:

"Specific data should be furnished depicting the scurrilous and depraved nature of many of the characters, activities, habits and living conditions representative of New Left adherents."

Field Offices were to be exhorted that "every avenue of possible embarrassment must be vigorously and enthusiastically explored."

(h) Ordering field offices to gather information which would disprove allegations by the "liberal press, the bleeding hearts and the forces on the left" that the Chicago police used undue force in dealing with demonstrators at the 1968

Democratic convention.

¶Taking advantage of a close relationship with the chairman of the board—described in an F.B.I. memorandum as “our good friend”—of a magazine with national circulation to influence articles which related to the F.B.I. For example, through this relationship the bureau “squelched” an “unfavorable article against the bureau” written by a freelance writer about an F.B.I. investigation; “postponed publication” of an article on another F.B.I. case; “fore stalled publication” of an article by Dr. Martin Luther King Jr., and received information about proposed editing of King’s articles.

(c) Distorting Data to Influence Government Policy and Public Perceptions

Accurate intelligence is a prerequisite to sound Government policy. However, as the past head of the F.B.I.’s Domestic Intelligence Division reminded the committee:

“The facts by themselves are not too meaningful. They are something like stones cast into a heap.”

On certain crucial subjects the domestic intelligence agencies reported the “facts” in ways that gave rise to misleading impressions.

For example, the F.B.I.’s Domestic Intelligence Division initially discounted as an “obvious failure” the alleged attempts of Communists to influence the civil rights movement. Without any significant change in the factual situation, the bureau moved from the division’s conclusion to Director Hoover’s public Congressional testimony characterizing Communist influence on the civil rights movement as “vitally important.”

F.B.I. reporting on protests against the Vietnam War provides another example of the manner in which the information provided to decision-makers can be skewed. In acquiescence with a judgment already expressed by President Johnson, the bureau’s reports on demonstrations against the war in Vietnam emphasized Communist efforts to influence the antiwar movement and underplayed the fact that the vast majority of demonstrators were not Communist controlled.

(d) “Chilling” First Amendment Rights

The First Amendment protects the rights of American citizens to engage in free and open discussions and to associate with persons of their choosing. Intelligence agencies have, on occasion, expressly attempted to interfere with those rights. For example, one internal F.B.I. memorandum called for “more interviews” with New Left subjects “to enhance the paranoia endemic in these circles” and “get the point across there is an F.B.I. agent behind every mailbox.”

More importantly, the Government’s surveillance activities in the aggregate—whether or not expressly intended to do so—tend, as the committee concludes, to deter the exercise of First Amendment rights by American citizens who become aware of the Government’s domestic intelligence program.

(e) Preventing the Free Exchange of Ideas

Speakers, teachers, writers and publications themselves were targets of the

F.B.I.’s counterintelligence program. The F.B.I.’s efforts to interfere with the free exchange of ideas included:

¶Anonymously attempting to prevent an alleged “Communist-front” group from holding a forum on a Midwest campus and then investigating the judge who ordered that the meeting be allowed to proceed.

¶Using another “confidential source” in a foundation which contributed to a local college to apply pressure on the school to fire an activist professor.

¶Anonymously contacting a university official to urge him to “persuade” two professors to stop funding a student newspaper in order to “eliminate what voice the New Left has” in the area.

¶Targeting the New Mexico Free University for teaching “confrontation politics” and “draft counseling training.”

7. Cost and Value

Domestic intelligence is expensive. We have already indicated the cost of illegal and improper intelligence activities in terms of the harm to victims, the injury to constitutional values and the damage to the democratic process itself. The cost in dollars is also significant. For example, the F.B.I. has budgeted for fiscal year 1976 over \$7 million for its domestic security informant program, more than twice the amount it spends on informants against organized crime. The aggregate budget for F.B.I. domestic security intelligence and foreign counterintelligence is at least \$80 million. In the late 1960’s and early 1970’s, when the bureau was joined by the C.I.A., the military and N.S.A. in collecting information about the antiwar movement and black activists, the cost was substantially greater.

Apart from the excesses described above, the usefulness of many domestic intelligence activities in serving the legitimate goal of protecting society has been questionable. Properly-directed intelligence investigations concentrating upon hostile foreign agents and violent terrorists can produce valuable results. The committee has examined cases where the F.B.I. uncovered “illegal” agents of a foreign power engaged in clandestine intelligence activities in violation of Federal law. Information leading to the prevention of serious violence has been acquired by the F.B.I. through its informant penetration of terrorist groups and through the inclusion in bureau files of the names of persons actively involved with such groups. Nevertheless, the most sweeping domestic intelligence surveillance programs have produced surprisingly few useful returns in view of their extent. For example:

¶Between 1960 and 1974, the F.B.I. conducted over 500,000 separate investigations of persons and groups under the “subversive” category, predicated on the possibility that they might be likely to overthrow the Government of the United States. Yet not a single individual or group has been prosecuted since 1957 under the laws which prohibit planning or advocating action to overthrow the Government and which are the main alleged statutory basis for such F.B.I. investigations.

¶A recent study by the General Accounting Office has estimated that of some 17,528 F.B.I. domestic intelligence investigations of individuals in 1974, only 1.3 percent resulted in prosecution and conviction, and in only “about 2 percent” of the cases was advance knowledge of any activity—legal or illegal—obtained.

¶One of the main reasons advanced for expanded collection of intelligence about urban unrest and antiwar protest was to help responsible officials cope with possible violence. However, a former White House official with major duties in this area under the Johnson Administration has concluded, in retrospect, that “in none of these situations . . . would advance intelligence about dissident groups [have] been of much help,” that what was needed was “physical intelligence” about the geography of major cities, and that the attempt to “predict violence” was not a “successful undertaking.”

¶Domestic intelligence reports have sometimes even been counterproductive. A local police chief, for example, described F.B.I. reports which led to the positioning of Federal troops near his city as:

“ . . . Almost completely composed of unsorted and unevaluated stories, threats and rumors that had crossed my desk in New Haven. Many of these had long before been discounted by our intelligence division. But they had made their way from New Haven to Washington, had gained completely unwarranted credibility and had been submitted by the Director of the F.B.I. to the President of the United States. They seemed to present a convincing picture of impending holocaust.”

In considering its recommendations, the committee undertook an evaluation of the F.B.I.’s claims that domestic intelligence was necessary to combat terrorism, civil disorders, “subversion” and hostile foreign intelligence activity. The committee reviewed voluminous materials bearing on this issue and questioned bureau officials and former Federal executive officials.

We have found that we are in fundamental agreement with the wisdom of Attorney General Stone’s initial warning that intelligence agencies must not be “concerned with political or other opinions of individuals” and must be limited to investigating essentially only “such conduct as is forbidden by the laws of the United States.” The committee’s record demonstrates that domestic intelligence which departs from this standard raises grave risks of undermining the democratic process and harming the interests of individual citizens. This danger weighs heavily against the speculative or negligible benefits of the ill-defined and overbroad investigations authorized in the past. Thus, the basic purpose of the recommendations in this report is to limit the F.B.I. to investigating conduct rather than ideas or associations.

The excesses of the past do not, however, justify depriving the United States of a clearly defined and effectively controlled domestic intelligence capability. The intelligence services of this nation’s international adversaries continue to attempt to conduct clandestine espionage operations within the United States. Our recommendations provide for intelligence investigations of hostile foreign intelligence activity.

Moreover, terrorists have engaged in serious acts of violence which have brought death and injury to Americans and threaten further such acts. These acts, not the politics or beliefs of those who would commit them, are the proper focus for investigations to anticipate terrorist violence. Accordingly, the committee would permit properly controlled intelligence investigations in those narrow circumstances.

Concentration on imminent violence

can avoid the wasteful dispersion of resources which has characterized the sweeping (and fruitless) domestic intelligence investigations of the past. But the most important reason for the fundamental change in the domestic intelligence operations which our recommendations propose is the need to protect the constitutional rights of Americans.

RECOMMENDATIONS

Recommendation 1—There is no inherent constitutional authority for the President or any intelligence agency to violate the law.

Recommendation 2—It is the intent of the committee that statutes implementing these recommendations provide the exclusive legal authority for Federal domestic security activities.

(a) No intelligence agency may engage in such activities unless authorized by statute, nor may it permit its employees, informants or other covert human sources to engage in such activities on its behalf.

(b) No executive directive or order may be issued which would conflict with such statutes.

Recommendation 3—In authorizing intelligence agencies to engage in certain activities, it is not intended that such authority empower agencies, their informants or covert human sources to violate any prohibition enacted pursuant to these recommendations or contained in the Constitution or in any other law.

Recommendation 4—To supplement the prohibitions in the 1947 National Security Act against the C.I.A. exercising "police, subpoena, law enforcement powers or internal security functions," the C.I.A. should be prohibited from conducting domestic security activities within the United States, except as specifically permitted by these recommendations.

Recommendation 5—The Director of Central Intelligence should be made responsible for "coordinating" the protection of sources and methods of the intelligence community. As head of the C.I.A., the Director should also be responsible in the first instance for the security of C.I.A. facilities, personnel, operations and information. Neither function, however, authorizes the Director of Central Intelligence to violate any Federal or state law or to take any action which is otherwise inconsistent with statutes implementing these recommendations.

Recommendation 6—The C.I.A. should not conduct electronic surveillance, unauthorized entry or mail openings within the United States for any purpose.

Recommendation 7—The C.I.A. should not employ physical surveillance, infiltration of groups or any other covert techniques against Americans within the United States except:

(a) Physical surveillance of persons on the grounds of C.I.A. installations;

(b) Physical surveillance during a preliminary investigation of allegations an employee is a security risk for a limited period outside of C.I.A. installations. Such surveillance should be conducted only upon written authorization of the Director of Central Intelligence and should be limited to the subject of the investigation and, only to the extent necessary to identify them, to persons with whom the subject has contact;

In light of the record of abuse revealed by our inquiry, the committee is not satisfied with the position that mere exposure of what has occurred in the past will prevent its recurrence. Clear legal standards and effective oversight and controls are necessary to insure that domestic intelligence activity does not itself undermine the democratic system it is intended to protect.

Recommendation 9—The C.I.A. should not collect information abroad concerning Americans except:

(a) Information concerning Americans which it is permitted to collect within the United States;

(b) At the request of the Justice Department as part of criminal investigations or an investigation of an American for suspected terrorist or hostile foreign intelligence activities or security leak or security risk investigations which the F.B.I. has opened.

Recommendation 10—The C.I.A. should be able to transmit to the F.B.I. or other appropriate agencies information concerning Americans acquired as the incidental byproduct of otherwise permissible foreign intelligence and counterintelligence operations whenever such information indicates any activity in violation of American law.

Recommendation 11—The C.I.A. may employ covert techniques abroad against Americans:

(a) Under circumstances in which the C.I.A. could use such covert techniques against Americans within the United States, or

(b) When collecting information as part of Justice Department investigation, in which case the C.I.A. may use a particular covert technique under the standards and procedures and approvals applicable to its use against Americans within the United States by the F.B.I.

(c) To the extent necessary to identify persons known or suspected to be Americans who come in contact with foreigners the C.I.A. is investigating.

C.I.A. Human Experiments and Drug Use

Recommendation 12—The C.I.A. should not use in experimentation on human subjects any drug, device or procedure which is designed or intended to harm, or is reasonably likely to harm, the physical or mental health of the human subject, except with the informed written consent, witnessed by a disinterested third party, of each human subject, and in accordance with the guidelines issued by the National Commission for the Protection of Human Subjects for Biomedical and Behavioral Research. The jurisdiction of the commission should be amended to include the Central Intelligence Agency and other intelligence agencies of the United States Government.

Recommendation 13—Any C.I.A. activity engaged in pursuant to Recommendations 7, 8, 9, 10 or 11 should be subject to periodic review and certification of compliance with the Constitution, applicable statutes, agency regulations and executive orders by:

(a) The Inspector General of the C.I.A.;

(b) The General Counsel of the C.I.A. in coordination with the Director of Central Intelligence;

(c) The Attorney General; and

(d) The oversight committee recommended [below].

All such certifications should be available for review by Congressional oversight committees.

Recommendation 14—N.S.A. should not engage in domestic security activities. Its functions should be limited in a precisely drawn legislative charter to the collection of foreign intelligence from foreign communications.

Recommendation 15—N.S.A. should take all practicable measures consistent with its foreign intelligence mission to eliminate or minimize the interception,

selection and monitoring of communications of Americans from the foreign communications.

Recommendation 16—N.S.A. should not be permitted to select for monitoring any communication to, from or about an American without his consent, except for the purpose of obtaining information about hostile foreign intelligence or terrorist activities, and then only if a warrant approving such monitoring is obtained in accordance with procedures similar to those contained in Title III of the Omnibus Crime Control and Safe Streets Act of 1968.

Recommendation 17—Any personally identifiable information about an American which N.S.A. incidentally acquires, other than pursuant to a warrant, should not be disseminated without the consent of the American, but should be destroyed as promptly as possible unless it indicates:

(a) Hostile foreign intelligence or terrorist activities, or

(b) Felonious criminal conduct for which a warrant might be obtained pursuant to Title III of the Omnibus Crime Control and Safe Streets Act of 1968, or

(c) A threat of death or serious bodily harm.

If dissemination is permitted, by (a), (b) and (c) above, it must only be made to an appropriate official and after approval by the Attorney General.

Recommendation 18—N.S.A. should not request from any commercial carrier any communication which it could not otherwise obtain pursuant to these recommendations.

Recommendation 19—The Office of Security at N.S.A. should be permitted to collect background information on present or prospective employees or contractors for N.S.A. solely for the purpose of determining their fitness for employment. With respect to security risks or the security of its installations, N.S.A. should be permitted to conduct physical surveillances consistent with such surveillances as the C.I.A. is permitted to conduct, in similar circumstances, by these recommendations.

Recommendation 20—Except as specifically provided herein, the Department of Defense should not engage in domestic security activities. Its functions, as they relate to the activities of the foreign intelligence community, should be limited in a precisely drawn legislative charter to the conduct of foreign intelligence and foreign counterintelligence activities and tactical military intelligence activities abroad and production, analysis and dissemination of departmental intelligence.

Recommendation 21—In addition to its foreign intelligence responsibility, the Department of Defense has a responsibility to investigate its personnel in order to protect the security of its installations and property, to ensure order and discipline within its ranks and to conduct other limited investigations once dispatched by the President to suppress a civil disorder. A legislative charter should define precisely—in a manner which is not inconsistent with these recommendations—the authorized scope and purpose of any investigations undertaken by the Department of Defense to satisfy these responsibilities.

Recommendation 22—No agency of the Department of Defense should conduct investigations of violations of criminal law or otherwise perform any law enforcement or domestic security functions within the United States, except on military bases or concerning military personnel, to enforce the Uniform Code of Military Justice.

Control of Civil Disturbance Intelligence

Recommendation 23—The Department of Defense should not be permitted to conduct investigations of Americans on the theory that the information derived therefrom might be useful in potential civil disorders. The Army should be permitted to gather information about geography, logistical matters or the identity of local officials which is necessary to the positioning, support and use of troops in an area where troops are likely to be deployed by the President in connection with a civil disturbance. The Army should be permitted to investigate Americans involved in such disturbances after troops have been deployed to the site of a civil disorder to the extent necessary to fulfill the military mission and to the extent the information cannot be obtained from the F.B.I.

Recommendation 24—Appropriate agencies of the Department of Defense should be permitted to collect background information on their present or prospective employees or contractors. With respect to security risks or the security of its installations, the Department of Defense should be permitted to conduct physical surveillance consistent with such surveillances as the C.I.A. is permitted to conduct, in similar circumstances, by these recommendations.

Recommendation 25—Except as provided in 27 below, the Department of Defense should not direct any covert technique (e.g., electronic surveillance, informants, etc.) at American civilians.

Recommendation 26—The Department of Defense should be permitted to conduct abroad preventive intelligence investigations of unaffiliated Americans, provided such investigations are first approved by the F.B.I. Such investigations by the Department of Defense, including the use of covert techniques, should ordinarily be conducted in a manner consistent with the recommendations pertaining to the F.B.I.; however in overseas locations where U.S. military forces constitute the governing power or where U.S. military forces are engaged in hostilities circumstances may require greater latitude to conduct such investigations.

Recommendation 27—The I.R.S. should not, on behalf of any intelligence agency or for its own use, collect any information about the activities of Americans except for the purposes of enforcing the tax laws.

Recommendation 28—I.R.S. should not select any person or group for tax investigation on the basis of political activity or for any other reason not relevant to enforcement of the tax laws.

Recommendation 29—Any program of intelligence investigation relating to domestic security in which targets are selected by both tax and nontax criteria should only be initiated:

(a) Upon the written request of the Attorney General or the Secretary of the Treasury, specifying the nature of the requested program and the need therefore, and

(b) After the written certification by the Commissioner of the I.R.S. that procedures have been developed which are sufficient to prevent the infringement of the constitutional rights of Americans, and

(c) With Congressional oversight committees being kept continually advised of the nature and extent of such programs.

Disclosures Procedures

Recommendation 30—No intelligence agency should request from the Internal Revenue Service tax returns or tax-related information except under the statutes and regulations controlling such disclosures. In addition, the existing procedures under which tax returns and tax-related information are released by the I.R.S. should be strengthened, as suggested in the following five recommendations.

Recommendation 31—All requests from an intelligence agency to the I.R.S. for tax returns and tax-related information should be in writing and signed by the head of the intelligence agency making the request or his designee. Copies of such requests should be filed with the Attorney General. Each request should include a clear statement of:

(a) The purpose for which disclosure is sought;

(b) Facts sufficient to establish that the requested information is needed by the requesting agency for the performance of an authorized and lawful function;

(c) The uses which the requesting agency intends to make of the information;

(d) The extent of the disclosures sought;

(e) Agreement by the requesting agency not to use the documents or information for any purpose other than that stated in the request, and

(f) Agreement by the requesting agency that the information will not be disclosed to any other agency or person except in accordance with the law.

Recommendation 32—I.R.S. should not release tax returns or tax-related information to any intelligence agency unless it has received a request satisfying the requirements of Recommendation 31 and the Commissioner of Internal Revenue has approved the request inwriting.

Recommendation 33—I.R.S. should maintain a record of all such requests and responses thereto for a period of 20 years.

Recommendation 34—No intelligence agency should use the information supplied to it by the I.R.S. pursuant to a request of the agency except as stated in a proper request for disclosure.

Recommendation 35—All requests for information sought by the F.B.I. should be filed by the Department of Justice. Such requests should be signed by the Attorney General or his designee, following a determination by the department that the request is proper under the applicable statutes and regulations.

Post Office

Recommendation 36—The Post Office should not permit the F.B.I. or any intelligence agency to inspect markings or addresses on first class mail, nor should the Post Office itself inspect markings or addresses on behalf of the F.B.I. or any intelligence agency on first class mail, except upon the written approval of the Attorney General or his designee. Where one of the correspondents is an American, the Attorney General or his designee should only approve such inspection for domestic security purposes upon a written finding that it is necessary to a criminal investigation or a preventive intelligence investigation of terrorist activity or hostile foreign intelligence activity.

Upon such a request, the Post Office may temporarily remove from circulation such correspondence for the pur-

pose of such inspection of its exterior as is related to the investigation.

Recommendation 37—The Post Office should not transfer the custody of any first class mail to any agency except the Department of Justice. Such mail should not be transferred or opened except upon a judicial search warrant.

(a) In the case of mail where one of the correspondents is an American, the judge must find that there is probable cause to believe that the mail contains evidence of a crime.

(b) In the case of mail where both parties are foreigners:

(1) The judge must find that there is probable cause to believe that both parties to such correspondence are foreigners and/or one of the correspondents is an official employer or conscious agent of a foreign power, and

(2) The Attorney General must certify that the mail opening is likely to reveal information necessary either to the protection of the nation against actual or potential attack or other hostile acts of force of a foreign power; to obtain foreign intelligence information deemed essential to the security of the United States, or to protect national security information against hostile foreign intelligence activity.

Recommendation 38—All domestic security investigative activity, including the use of covert techniques, should be centralized within the Federal Bureau of Investigation, except those investigations by the Secret Service designed to protect the life of the President or other Secret Service protectees. Such investigations and the use of covert techniques in those investigations should be centralized within the Secret Service.

Recommendation 39—All domestic security activities of the Federal Government and all other intelligence agency activities covered by the domestic intelligence recommendations should be subject to Justice Department oversight to assure compliance with the Constitution and laws of the United States.

Recommendation 40—The F.B.I. should be prohibited from engaging on its own or through informants or others in any of the following activities directed at Americans:

(a) Disseminating any information to the White House, any other Federal official, the news media or any other person for a political or other improper purpose, such as discrediting an opponent of the Administration or a critic of an intelligence or investigative agency.

(b) Interfering with lawful speech, publication, assembly, organizational activity or association of Americans.

(c) Harassing individuals through unnecessary overt investigative techniques such as interviews of obvious physical surveillance for the purpose of intimidation.

Recommendation 41—The bureau should be prohibited from maintaining information on the political beliefs, political associations or private lives of Americans except that which is clearly necessary for domestic security investigations as described [below].

Investigations of Committed or Imminent Offenses

Recommendation 42—The F.B.I. should be permitted to investigate a committed act which may violate a Federal criminal statute pertaining to the domestic security to determine the identity of the perpetrator or to determine whether the act violates such a statute.

Recommendation 43—The F.B.I. should be permitted to investigate an American or foreigner to obtain evidence of criminal activity where there is "reasonable suspicion" that the American or foreigner has committed, is committing or is about to commit a specific act which violates a Federal statute pertaining to the domestic security.

Recommendation 44—The F.B.I. should be permitted to conduct a preliminary preventive intelligence investigation of an American or foreigner where it has a specific allegation or specific or substantiated information that the American or foreigner will soon engage in terrorist activity or hostile foreign intelligence activity. Such a preliminary investigation should not continue longer than 30 days from receipt of the information unless the Attorney General or his designee finds that the information and any corroboration which has been obtained warrants investigation for an additional period which may not exceed 60 days. If, at the outset, or at any time during the course of a preliminary investigation, the bureau establishes "reasonable suspicion" that an American or foreigner will soon engage in terrorist activity or hostile foreign intelligence activity, it may conduct a full preventive intelligence investigation. Such full investigation should not continue longer than one year except upon a finding of compelling circumstances by the Attorney General or his designee.

In no event should the F.B.I. open a preliminary or full preventive intelligence investigation based upon information that an American is advocating political ideas or engaging in lawful political activities or is associating with others for the purpose of petitioning the Government for redress of grievances or other such constitutionally protected purpose.

Recommendation 45—The F.B.I. should be permitted to collect information to assist Federal, state and local officials in connection with a civil disorder either:

(i) After the Attorney General finds in writing that there is a clear and immediate threat of domestic violence or rioting which is likely to require implementation of 10 U.S.C. 332 or 333 (the use of Federal troops for the enforcement of Federal law or Federal court orders), or likely to result in a request by the governor or legislature of a state pursuant to 10 U.S.C. 331 for the use of Federal militia or other Federal armed forces as a countermeasure, or

(ii) After such troops have been introduced.

Recommendation 46—F.B.I. assistance to Federal, state and local officials in connection with a civil disorder should be limited to collecting information necessary for

(1) The President in making decisions concerning the introduction of Federal troops;

(2) Military officials in positioning and supporting such troops, and

(3) State and local officials in coordinating their activities with such military officials.

Background Investigations

Recommendation 47—The F.B.I. should be permitted to participate in the Federal Government's program of background investigations of Federal employees or employees of Federal contractors. The authority to conduct such investigations should not, however, be used as the basis for conducting investi-

gations of other persons. In addition, Congress should examine the standards of Executive Order 10450, which serves as the current authority for F.B.I. background investigations, to determine whether additional legislation is necessary to:

(a) Modify criteria based on political beliefs and associations unrelated to suitability for employment; such modification should make those criteria consistent with judicial decisions regarding privacy of political association, and

(b) Restrict the dissemination of information from name checks of information related to suitability for employment.

Recommendation 48—Under regulations to be formulated by the Attorney General, the F.B.I. should be permitted to investigate a specific allegation that an individual within the executive branch with access to classified information is a security risk as described in Executive Order 10450. Such investigation should not continue longer than 30 days except upon written approval of the Attorney General or his designee.

Recommendation 49—Under regulations to be formulated by the Attorney General, the F.B.I. should be permitted to investigate a specific allegation of the improper disclosure of classified information by employees or contractors of the executive branch. Such investigation should not continue longer than 30 days except upon written approval of the Attorney General or his designee.

Recommendation 50—Overt techniques and name checks should be permitted in all of the authorized domestic security investigations described above, including preliminary and full preventive intelligence investigations.

Recommendation 51—All nonconsensual electronic surveillance, mail-opening and unauthorized entry should be conducted "only upon authority of a judicial warrant."

Recommendation 52—All nonconsensual electronic surveillance should be conducted pursuant to judicial warrants issued under authority of Title III of the Omnibus Crime Control and Safe Streets Act of 1968.

The act should be amended to provide, with respect to electronic surveillance of foreigners in the United States, that a warrant may issue if:

(a) There is probable cause that the target is an officer, employee or conscious agent of a foreign power.

(b) The Attorney General has certified that the surveillance is likely to reveal information necessary to the protection of the nation against actual or potential attack or other hostile acts of force of a foreign power; to obtain foreign intelligence information deemed essential to the security of the United States, or to protect national security information against hostile foreign intelligence activity.

(c) With respect to any such electronic surveillance, the judge should adopt procedures to minimize the acquisition and retention of nonforeign intelligence information about Americans.

(d) Such electronic surveillance should be exempt from the disclosure requirements of Title III of the 1968 Act as to foreigners generally and as to Americans if they are involved in hostile foreign intelligence activity.

As noted earlier, the committee believes that the espionage laws should be amended to include industrial espionage and other modern forms of espionage.

age not presently covered and Title III should incorporate any such amendment.

Recommendation 53—Mail opening should be conducted only pursuant to a judicial warrant issued upon probable cause of criminal activity as described in Recommendation 37.

Recommendation 54—Unauthorized entry should be conducted only upon judicial warrant issued on probable cause to believe that the place to be searched contains evidence of a crime, except unauthorized entry, including surreptitious entry, against foreigners who are officers, employees or conscious agents of a foreign power should be permitted upon judicial warrant under the standards which apply to electronic surveillance described in Recommendation 52.

Administrative Procedures

Recommendation 55—Covert human sources may not be directed at an American except:

(1) In the course of a criminal investigation if necessary to the investigation, provided that covert human sources should not be directed at an American as a part of an investigation of a committed act unless there is reasonable suspicion to believe that the American is responsible for the act, and then only for the purpose of identifying the perpetrators of the act.

(2) If the American is the target of a full preventive intelligence investigation and the Attorney General or his designee makes a written finding that he has considered and rejected less intrusive techniques and he believes that covert human sources are necessary to obtain information for the investigation.

Recommendation 56—Covert human sources which have been directed at an American in a full preventive intelligence investigation should not be used to collect information on the activities of the American for more than 90 days after the source is in place and capable of reporting unless the Attorney General or his designee finds in writing either that there are "compelling circumstances," in which case they may be used for an additional 60 days, or that there is probable cause that the American will soon engage in terrorist activities or hostile foreign intelligence activities.

Recommendation 57—All covert human sources used by the F.B.I. should be reviewed by the Attorney General or his designee as soon as practicable and should be terminated unless the covert human source could be directed against an American in a criminal investigation or a full preventive intelligence investigation under these recommendations.

Recommendation 58—Mail surveillance and the review of tax returns and tax-related information should be conducted consistently with the recommendations [above]. In addition to restrictions [above], the review of tax returns and tax-related information, as well as review of medical or social history records, confidential records of private institutions and confidential records of Federal, state and local government agencies other than intelligence or law enforcement agencies may not be used against an American except:

(1) In the course of a criminal investigation, if necessary to the investigation; (2) If the American is the target of a full preventive intelligence investigation and the Attorney General or his designee makes a written finding that he has considered and rejected

less intrusive techniques and he believes that the covert technique requested by the bureau is necessary to obtain information necessary to the investigation.

Recommendation 59—The use of physical surveillance and review of credit and telephone records and any records of governmental or private institutions other than those covered in Recommendation 58 should be permitted to be used against an American, if necessary, in the course of either a criminal investigation or a preliminary or full preventive intelligence investigation.

Recommendation 60—Covert techniques should be permitted at the scene of a potential civil disorder in the course of preventive criminal intelligence and criminal investigations as described above. Nonwarrant covert techniques may also be directed at an American during a civil disorder in which extensive acts of violence are occurring and Federal troops have been introduced. This additional authority to direct such covert techniques at Americans during a civil disorder should be limited to circumstances where Federal troops are actually in use and the technique is used only for the purpose of preventing further violence.

Recommendation 61—Covert techniques should not be directed at an American in the course of a background investigation without the informed written consent of the American.

Recommendation 62—If Congress enacts a statute attaching criminal sanctions to security leaks, covert techniques should be directed at Americans in the course of security leak investigations only if such techniques are consistent with Recommendation 55(1), 58(1) or 59. With respect to security risks, Congress might consider authorizing covert techniques, other than those requiring a judicial warrant, to be directed at Americans in the course of security risk investigations, but only upon a written finding of the Attorney General that there is reasonable suspicion to believe that the individual is a security risk, he has considered and rejected less intrusive techniques and he believes the technique requested is necessary to the investigation.

Incidental Overhears

Recommendation 63—Except as limited elsewhere in these recommendations or in Title III of the Omnibus Crime Control and Safe Streets Act of 1968, information obtained incidentally through an authorized covert technique about an American or a foreigner who is not the target of the covert technique can be used as the basis for any authorized domestic security investigation.

Recommendation 64—Information should not be maintained except where relevant to the purpose of an investigation.

Recommendation 65—Personally identifiable information on Americans obtained in the following kinds of investigations should be sealed or purged as follows (unless it appears on its face to be necessary for another authorized investigation):

(a) Preventive intelligence investigations of terrorist or hostile foreign intelligence activities—as soon as the investigation is terminated by the Attorney General or his designee pursuant to Recommendation 45 or 69.

(b) Civil disorder assistance—as soon as the assistance is terminated by the Attorney General or his designee pursuant

to Recommendation 69, provided that where troops have been introduced such information need be sealed or purged only within a reasonable period after their withdrawal.

Recommendation 66—Information previously gained by the F.B.I. or any other intelligence agency through illegal techniques should be sealed or purged as soon as practicable.

Recommendation 67—Personally identifiable information on Americans from domestic security investigations may be disseminated outside the Department of Justice as follows:

(a) Preventive intelligence investigations of terrorist activities—personally identifiable information on Americans from preventive criminal intelligence investigations of terrorist activities may be disseminated only to:

(1) A foreign or domestic law enforcement agency which has jurisdiction over the criminal activity to which the information relates, or

(2) To a foreign intelligence or military agency of the United States, if necessary for an activity permitted by these recommendations, or

(3) To an appropriate Federal official with authority to make personnel decisions about the subject of the information, or

(4) To a foreign intelligence or military agency of a cooperating foreign power if necessary for an activity permitted by these recommendations to similar agencies of the United States, or

(5) Where necessary to warn state or local officials of terrorist activity likely to occur within their jurisdiction, or

(6) Where necessary to warn any person of a threat to life or property from terrorist activity.

(b) Preventive intelligence investigations of hostile foreign intelligence activities—personally identifiable information on Americans from preventive criminal intelligence investigations of hostile intelligence activities may be disseminated only:

(1) To an appropriate Federal official with authority to make personnel decisions about the subject of the information, or

(2) To the National Security Council or the Department of State upon request or where appropriate to their administration of U.S. foreign policy, or

(3) To a foreign intelligence or military agency of the United States, if relevant to an activity permitted by these recommendations, or

(4) To a foreign intelligence or military agency of a cooperating foreign power if relevant to an activity permitted by these recommendations to similar

(c) Civil disorders assistance—personally identifiable information on Americans involved in an actual or potential disorder, collected in the course of civil disorders assistance, should not be disseminated outside the Department of Justice, except to military officials and appropriate state and local officials at the scene of a civil disorder where Federal troops are present.

(d) Background investigations—to the maximum extent feasible, the results of background investigations should be segregated within the F.B.I. and only disseminated to officials outside the Department of Justice authorized to make personnel decisions with respect to the subject.

(e) All other authorized domestic security investigations—to governmental officials who are authorized to take

action consistent with the purpose of an investigation or who have statutory duties which require the information.

Recommendation 68—Officers of the executive branch who are made responsible by these recommendations for overseeing intelligence activities and appropriate Congressional committees should have access to all information necessary for their functions. The committees should adopt procedures to protect the privacy of subjects of files maintained by the F.B.I. and other agencies affected by the domestic intelligence recommendations.

Attorney General Oversight of the F.B.I.

Recommendation 69—The Attorney General should:

(a) Establish a program of routine and periodic review of F.B.I. domestic security investigations to ensure that the F.B.I. is complying with all of the foregoing recommendations, and

(b) Assure, with respect to the following investigations of Americans, that:

(1) Preventive intelligence investigations of terrorist activity or hostile foreign intelligence activity are terminated within one year, except that the Attorney General or his designee may grant extensions upon a written finding of "compelling circumstances".

(2) Covert techniques are used in preventive intelligence investigations of terrorist activity or hostile foreign intelligence activity only so long as necessary and not beyond time limits established by the Attorney General, except that the Attorney General or his designee may grant extensions upon a written finding of "compelling circumstances".

(3) Civil disorders assistance is terminated upon withdrawal of Federal troops or, if troops were not introduced, within a reasonable time after the finding by the Attorney General that troops are likely to be requested, except that the Attorney General or his designee may grant extensions upon a written finding of "compelling circumstances."

Recommendation 70—The Attorney General should review the internal regulations of the F.B.I. and other intelligence agencies engaging in domestic security activities to ensure that such internal regulations are proper and adequate to protect the constitutional rights of Americans.

Recommendation 71—The Attorney General or his designee (such as the Office of Legal Counsel of the Department of Justice) should advise the general counsels of intelligence agencies on interpretations of statutes and regulations adopted pursuant to these recommendations and on such other legal questions as are described below.

Recommendation 72—The Attorney General should have ultimate responsibility for the investigation of alleged violations of law relating to the domestic intelligence recommendations.

Recommendations 73—The Attorney General should be notified of possible alleged violations of law through the Office of Professional Responsibility by agency heads, general counsel or inspectors general of intelligence agencies.

Recommendation 74—The heads of all intelligence agencies affected by these recommendations are responsible for the prevention and detection of alleged violations of the law by or on behalf of their respective agencies and for the reporting to the Attorney General of all such alleged violations. Each such agency head should also assure his

agency's cooperation with the Attorney General in investigation of alleged violations.

Recommendation 75—The F.B.I. and each other intelligence agency should have a general counsel, nominated by the President and confirmed by the Senate, and an inspector general appointed by the agency head.

Recommendation 76—Any individual having information on past, current or proposed activities which appear to be illegal, improper or in violation of agency policy should be required to report the matter immediately to the agency head, general counsel or inspector general. If the matter is not initially reported to the general counsel he should be notified by the agency head or inspector general. Each agency should regularly remind employees of their obligation to report such information.

Recommendation 77—As provided in Recommendation 74, the heads of the F.B.I. and of other intelligence agencies are responsible for reporting to the Attorney General alleged violations of law. When such reports are made the appropriate Congressional committees should be notified.

Recommendation 78—The general counsel and inspector general of the F.B.I. and of each other intelligence agency should have unrestricted access to all information in the possession of the agency and should have the authority to review all of the agency's activities. The Attorney General of the Office of Professional Responsibility, on his behalf, should have access to all information in the possession of an agency which, in the opinion of the Attorney General, is necessary for an investigation of illegal activity.

Recommendation 79—The general counsel of the F.B.I. and of each other intelligence agency should review all significant proposed agency activities to determine their legality and constitutionality.

Recommendation 80—The director of the F.B.I. and the heads of each other intelligence agency should be required to report at least annually to the appropriate committee of the Congress on the activities of the general counsel and the Office of the Inspector General.

Recommendation 81—The director of the F.B.I. and the heads of each other intelligence agency should be required to report, at least annually, to the Attorney General on all reports of activities which appear illegal, improper, outside the legislative charter or in violation of agency regulations. Such reports should include the general counsel's findings concerning these activities, a summary of the inspector general's investigations of these activities and the practices and procedures developed to discover activities that raise questions of legality or propriety.

Office of Professional Responsibility

Recommendation 82—The Office of Professional Responsibility created by Attorney General Levi should be recognized in statute. The director of the office, appointed by the Attorney General, should report directly to the Attorney General or the Deputy Attorney General. The functions of the office should include:

Attorney General, should report directly to the Attorney General or the Deputy Attorney General. The functions of the office should include:

(a) Serving as a central repository of reports and notifications provided the Attorney General, and

(b) Investigation, if requested by the Attorney General, of alleged violations by intelligence agencies of statutes enacted or regulations promulgated pursuant to these recommendations.

Recommendation 83—The Attorney General is responsible for all of the activities of the F.B.I. and the director of the F.B.I. is responsible to, and should be under the supervision and control of, the Attorney General.

Recommendation 84—The director of the F.B.I. should be nominated by the President and confirmed by the Senate to serve at the pleasure of the President for a single term of not more than eight years.

Recommendation 85—The Attorney General should consider exercising his power to appoint assistant directors of the F.B.I. should be nominated by the should be imposed on the tenure of the assistant director for the Intelligence Division.

Recommendation 86—The Attorney General should approve all administrative regulations required to implement statutes created pursuant to these recommendations.

Recommendation 87—Such regulations, except for regulations concerning investigations of hostile foreign intelligence activity or other matters which are properly classified, should be issued pursuant to the Administrative Procedures Act and should be subject to the approval of the Attorney General.

Recommendation 88—The effective date of regulations pertaining to the following matters should be delayed 90 days, during which time Congress would have the opportunity to review such regulations:

(a) Any C.I.A. activities against Americans, as permitted above;

(b) Military activities at the time of a civil disorder;

(c) The authorized scope of domestic security investigations, authorized investigative techniques, maintenance and dissemination of information by the FBI, and

(d) The termination of investigations and covert techniques as described [above].

Recommendation 89—Each year the F.B.I. and other intelligence agencies affected by these recommendations should be required to seek annual statutory authorization for their programs.

Recommendation 90—The Freedom of Information Act (5 U.S.C. 552 (b)) and the Federal Privacy Act (5 U.S.C. 552 (a)) provide important mechanisms by which individuals can gain access to information on intelligence activity directed against them. The domestic intelligence recommendations assume that these statutes will continue to be vigorously enforced. In addition, the Department of Justice should notify all readily identifiable targets of past illegal surveillance techniques and all Cointelpro victims and third parties who had received anonymous Cointelpro communications of the nature of the activities directed against them or the source of the anonymous communication to them.

Recommendation 91—Congress should enact a comprehensive civil remedies statute which would accomplish the following:

(a) Any American with a substantial and specific claim to an actual or threatened injury by a violation of the Constitution by Federal intelligence officers or agents acting under color of law should have a Federal cause of action against the Government and the individual Federal intelligence officer or agent responsible for the viola-

tion, without regard to the monetary amount in controversy. If actual injury is proven in court, the committee believes that the injured person should be entitled to equitable relief, actual, general and punitive damages and recovery of the costs of litigation. If threatened injury is proven in court, the committee believes that equitable relief and recovery of the costs of litigation should be available.

(b) Any American with a substantial and specific claim to actual or threatened injury by violation of the statutory charter for intelligence activity (as proposed by these domestic intelligence recommendations) should have a cause of action for relief as in (a) above.

(c) Because of the secrecy that surrounds intelligence programs, the committee believes that a plaintiff should have two years from the date upon which he discovers or reasonably should have discovered the facts which give rise to a cause of action for relief from a constitutional or statutory violation.

(d) Whatever statutory provision may be made to permit an individual defendant to raise an affirmative defense that he acted within the scope of his official duties, in good faith and with a reasonable belief that the action he took was lawful, the committee believes that to insure relief to persons injured by governmental intelligence activity this defense should be available solely to individual defendants and should not extend to the Government. Moreover, the defense should not be available to bar injunctions against individual defendants.

Criminal Penalties Should Be Enacted

Recommendation 92—The committee believes that criminal penalties should apply, where appropriate, to willful and knowing violations of statutes enacted pursuant to the domestic intelligence recommendations.

Recommendation 93—Congress should either repeal the Smith Act (18 U.S.C. 2385) and the Voorhis Act (18 U.S.C. 2386), which on their face appear to authorize investigation of "mere advocacy" of a political ideology, or amend those statutes so that domestic security investigations are only directed at conduct which might serve as the basis for a constitutional criminal prosecution under Supreme Court decisions interpreting these and related statutes.

Recommendation 94—The appropriate committees of the Congress should review the Espionage Act of 1917 to determine whether it should be amended to cover modern forms of foreign espionage, including industrial, technological or economic espionage.

Recommendation 95—The appropriate Congressional oversight committees of the Congress should, from time to time, request the Comptroller General of the United States to conduct audits and reviews of the intelligence activities of any department or agency of the United States affected by the Domestic Intelligence Recommendations. For such purpose, the Comptroller General or any of his duly authorized representatives should have access to, and the right to examine, all necessary materials of any such department or agency.

Recommendation 96—The committee re-endorses the concept of vigorous Senate oversight to review the conduct of domestic security activities through a new permanent intelligence oversight committee.

Definitions

For the purposes of these recommendations:

- A. "Americans" means U.S. citizens, resident aliens and unincorporated associations, composed primarily of U.S. citizens or resident aliens; and corporations, incorporated or having their principal place of business in the United States or having majority ownership by U.S. citizens, or resident aliens, including foreign subsidiaries of such corporations, provided, however, "Americans" does not include corporations directed by foreign governments or organizations.
- B. "Collect" means to gather or initiate the acquisition of information or to request it from another agency.
- C. A "covert human source" means undercover agents or informants who are paid or otherwise controlled by an agency.
- D. "Covert techniques" means the collection of information, including collection from record sources not readily available to a private person (except state or local law enforcement files), in such a manner as not to be detected by the subject.
- E. "Domestic security activities" means governmental activities against Americans or conducted within the United States or its territories, including enforcement of the criminal laws, intended to:
 - 1. Protect the United States from hostile foreign intelligence activity, including espionage;
 - 2. Protect the Federal, state and local governments from domestic violence or rioting, and
 - 3. Protect Americans and their Government from terrorists.
- F. "Foreign communications" refers to a communication between or among two or more parties in which at least one party is outside the United States or a communication transmitted between points within the United States if transmitted over a facility which is under the control of or exclusively used by a foreign government.
- G. "Foreigners" means persons and organizations who are not Americans as defined above.
- H. "Hostile foreign intelligence activities" means acts or conspiracies by Americans or foreigners who are
- I. officers, employees or conscious agents of a foreign power or who, pursuant to the direction of a foreign power, engage in clandestine intelligence activity or engage in espionage, sabotage or similar conduct in violation of Federal criminal statutes.
- J. "Name checks" means the retrieval by an agency of information already in the possession of the Federal Government or in the possession of state or local law enforcement agencies.
- K. "Overt investigative techniques" means the collection of information readily available from public sources or available to a private person, including interviews of the subject or his friends or associates.
- L. "Purged" means to destroy or transfer to the National Archives all personally identifiable information (including references in any general name index).
- M. "Sealed" means to retain personally identifiable information and to retain entries in a general name index but to restrict access to the information and entries to circumstances of "compelling necessity."
- N. "Reasonable suspicion" is based upon the Supreme Court's decision in the case of *Terry v. Ohio*, 392 U.S. 1 (1968), and means specific and articulable facts which, taken together with rational inferences from those facts, give rise to a reasonable suspicion that specified activity has occurred, is occurring or is about to occur.
- O. "Terrorist activities" means acts, or conspiracies which: (a) are violent or dangerous to human life; and (b) violate Federal or state criminal statutes concerning assassination, murder, arson, bombing, hijacking or kidnapping; and (c) appear intended to or are likely to have the effect of:
 - (1) Substantially disrupting Federal, state or local government, or
 - (2) Substantially disrupting interstate or foreign commerce between the United States and another country, or
 - (3) Directly interfering with the exercise by Americans of constitutional rights protected by the Civil Rights Act of 1968, or by foreigners of their rights under the laws or treaties of the United States.
- P. "Unauthorized entry" means entry unauthorized by the target.

NEW YORK TIMES 27 April 1976

Articles in 1974 Spurred Inquiry

Special to The New York Times

WASHINGTON, April 26—The report of the Senate Select Committee on Intelligence Activities, part of which was released today, is the result of the most intensive investigation ever conducted into America's foreign and domestic intelligence system.

The study grew out of articles that appeared in The New York Times late in 1974. On Dec. 22, 1974, Seymour M. Hersh reported in the Times on a widespread program of spying on American citizens conducted without legal authority by the Central Intelligence Agency.

As a result of that article and earlier accounts of covert United States in-

volve ment in the overthrow of the Government of President Salvador Allende Gossens in Chile, the Senate voted on Jan. 26, 1975, to organize the select committee. On Feb. 18, the House established a counterpart committee.

The House committee's report has yet to be made public, largely because of a controversy that arose when The Times and Daniel Schorr, a CBS News correspondent, obtained and reported on the final results of the House study before its official release.

The congressional investigations follow one conducted within the C.I.A. by the former Director of Central Intelligence, William E. Colby, and another by a Presidential commission headed by Vice President Rockefeller.

All of the reports supported the original disclosures in The Times about covert activities by the C.I.A. in Chile and illegal intelligence work in the United States.

WASHINGTON POST
27 APR 1975

CIA Uses Academics, Reporters

Covert Roles Trouble Panel

By Stephen Isaacs

Washington Post Staff Writer

The Central Intelligence Agency continues to use American academics and journalists, according to the Senate intelligence committee's report. The report withheld the names of individuals and institutions that cooperate with the CIA.

In a section dealing with the "domestic impact of foreign clandestine operations," the report states that the CIA has covert relationships with more than 25 American journalists or employees of U.S. media and uses "several hundred" academics.

The report asserts that the CIA is in contact with "many thousands" of American academics, but that most of these contacts are not dangerous because they consist principally of "asking an academic about his travels abroad."

The committee is more worried about the operational use of academics.

"The committee sees no danger to the integrity of American private institutions" in informal consultations between academics and the CIA, the report says. "Indeed," it states, "there are benefits to both the government and the universities in such contacts."

"... The operational use of academics is another matter. It raises troubling questions as to preservation of the integrity of American academic institutions."

According to the committee, several hundred American academics, "in addition to providing leads and, on occasion, making introductions for intelligence purposes, occasionally write books and other material to be used for propaganda purposes abroad. Beyond these, an additional few score are used in an unwitting manner for minor activities."

"These academics are located in over 100 American colleges, universities and related institutes. At the majority of institutions, no one other than the individual concerned is aware of the CIA link. At the others, at least one university official is aware of the operational use made of academics on his campus. In addition, there are several American academics abroad who serve operational purposes, primarily the collection of intelligence."

The committee outlines

in some detail how the CIA, when urged in 1967 by a special presidential study commission to end its covert use of American institutions, simply switched its focus instead to the individuals in the institutions.

The 1967 study committee was headed by then Under Secretary of State Nicholas A. Katzenbach.

The Katzenbach committee, the new report says was really intended not to study the nation's intelligence community, but to shield it.

The administration of President Johnson "carefully and consciously limited the mandate of the Katzenbach committee's investigation," the report says. Katzenbach, now an attorney in private practice in New York, testified that his committee was designed by President Johnson "to head off a full-scale congressional investigation."

The Senate report says, "All covert relationships were to be excluded from the investigation."

Further, according to the Senate report, the CIA "moved rapidly to shelter certain high-priority operations from the Katzenbach (committee's) prohibitions and to devise more secure funding mechanism."

One device the CIA used to get around the 1967 committee's ban on further institutional funding was "surge funding."

In this, the CIA advanced large sums of money to certain organizations "before the December deadline," thus giving them enough money to operate for several years.

"Radio Free Europe and Radio Liberty were so funded," the report says.

The Senate report states that appearance — rather than specific regulations — determined which institutions the CIA would continue to fund at which it would cut off.

Many of the restrictions developed by the CIA in response to the events of 1967 appear to be security measures aimed at preventing further public disclosures which could jeopardize sensitive CIA operations, the report says. They did not represent significant re-thinking of where boundaries ought to be drawn in a free society. Moreover, although President Johnson adopted the Katzenbach report as a policy, it was not issued as an executive order

or enacted as a statute. Thus, it has no firm legal status.

As a result, the Senate study notes, the CIA continued to fund:

- "A publications and press institute that maintained a worldwide network of stringers and correspondents."

- "Several international trade union organizations."

- "A foreign-based news feature service."

- "A foreign-based research and publishing institute."

One of the things the CIA did, the Senate committee says, was to "surge-fund" a "large project in the Far East" so that it could continue into fiscal year 1969.

The committee recommends that the CIA be forbidden by law to convert those who go abroad under government-sponsored programs into willing or unwitting operatives.

The CIA now has a policy of avoiding use of Fulbright scholars and those who receive grants from the Carnegie, Ford or Rockefeller foundations. The committee feels that ban should be extended.

"It is unacceptable," the report says, "that Americans would go overseas under a cultural or academic exchange program funded openly by the United States Congress and at the same time serve an operational purpose directed by the Central Intelligence Agency."

The committee also suggests that all contacts with academics be open.

"... If the CIA is to serve the intelligence needs of the nation," the report says, "it must have unfettered access to the best advice and judgment our universities can produce. But this advice and expertise can and should be openly sought—and openly given."

In its section on the media, the report notes that the CIA has "a network of several hundred foreign individuals around the world who provide intelligence for the CIA and at times attempt to influence foreign opinion through the use of covert propaganda. These individuals provide the CIA with direct access to a large number of newspapers and periodicals, scores of press services and news agencies, radio and television stations, commercial book publishers, and other foreign media outlets."

The CIA had covert relationships with "about 30 American journalists or em-

ployees of U.S. media organizations" until February, 1976, and continues to have relationships with more than half of those, the report says.

The report dwells at some length on CIA-sponsored books, and notes that one CIA official had written that books can be "the most important weapon of strategic (long-range) propaganda."

In one year—1967—the report says, the CIA "published or subsidized well over 200 books."

Those books ranged, according to the report, from "books on wildlife and safaris to translations of Machiavelli's 'The Prince' into Swahili and works of T.S. Eliot into Russian; to a parody of the famous little red book of quotations from Mao entitled 'Quotations from Chairman Liu.'

Among the pre-1967 books in which the CIA had a hand were the famed Penkovsky Papers, which were serialized in some American newspapers, including The Washington Post, in 1965.

At the time, when the Soviet Union said the book was a fraud, investigation by most American media called the book legitimate.

The Senate committee's report describes the Papers as a "CIA book."

"The book was prepared and written by willing agency assets who drew on actual case materials," the Senate committee says. "Publication rights to the manuscript were sold to a publisher through a trust fund which was established for the purpose. The publisher was unaware of any U.S. government interest."

The report adds that the book was created "for operational reasons" by the CIA and almost accidentally had a commercial success.

Another book the CIA developed was one "about a student from a developing country who had studied in a Communist country."

Two major American magazines published digested versions of the book, the report says, and Eric Sevareid, the CBS political commentator, in reviewing this book, spoke a larger truth than he knew when he suggested that "our propaganda services could do worse than to flood (foreign) university towns with this volume."

Yet another CIA book, on the Vietnam war, was produced by the CIA in 1954 and was "distributed to foreign embassies in the United States and to selected newspapers and magazine editors both in the United States and abroad."

Since the Katzenbach committee report of 1967, the Senate committee says,

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Panels Urged to Monitor Covert Actions Abroad

Special to The New York Times

the CIA's publishing has been devoted almost totally to "books and other materials published abroad."

Since 1969, the report says, the CIA has produced about 250 books abroad, most of them in foreign languages.

The report notes that "more than a dozen United States news organizations and commercial publishing houses formally provided cover for CIA agents abroad. A few of these organizations were unaware that they provided this cover."

Most new organizations that were found to be using CIA operatives abroad were unaware that they were buying stories from people with CIA connections, the report says, in noting that most CIA relationships with American media people abroad involve freelance journalists.

The Senate committee's report discusses the "isn't it a small world" situation that instant communications have created.

In previous centuries, foreign propaganda would likely never rebound home. But with the kind of electronic togetherness that binds today's world, the report says, propaganda destined for one part of the world often has fallout back home.

Further, the committee says, E. Howard Hunt (of White House "plumbers" fame) was in charge of the CIA's contact with book publishers in the late 1960s, and testified before the Senate committee that such propaganda "fallout (in the United States) may not have been unintentional."

In view of that, the committee says that the CIA may have "helped shape American attitudes toward the emerging China" in the 1960s, and "engaged in propagandizing the American public, including its Congress, on the controversial issue of U.S. involvement in Vietnam."

In the latter case, the report says the CIA funded a Vietnamese institution whose magazine was distributed in the United States by the South Vietnamese embassy here.

The funding was secret, and the organization, the Vietnamese Council on Foreign Relations, was not named in the report.

The CIA provided \$170,000 per year in 1974 and 1975 for support of the institution's publications, the report says.

Intelligence sources said the CIA had founded the council as a covert operation designed to promote support for the Vietnam war among foreign influence-molding groups.

The report said that "in at

least one instance," a CIA-supported Vietnam publication was used to propagandize the American public and the members and staff of both houses of Congress. So effective was this propaganda that some members quoted from the publication in debating the controversial question of United States involvement in Vietnam.

The report also says that "the institution on at least one occasion invited a group of American congressmen to Vietnam and sponsored their activities on at least part of their trip."

In another instance of American fallout from an overseas propaganda system, the report mentions that the CIA maintains "two proprietary news services" in Europe.

"The larger of the two was subscribed to by over 30 U.S. newspapers," the report says. "In an effort to reduce the problem of fallout, the CIA made a senior official at the major U.S. dailies aware that the CIA controlled these two press services."

The committee notes that sometimes "fallout in the United States may be a necessary part of the propaganda process," to create an aura of credibility, as with serious book reviews.

On at least one occasion, the report says, a CIA-sponsored book was reviewed in the New York Times "by a CIA writer under contract."

Yet another kind of U.S.-foreign rebound is described in the report of a relationship between an American newspaper executive and the CIA.

In view of this man's "access to information of intelligence and operational interests," the CIA contacted the man, who "served as a willing, unpaid collaborator for intelligence collection and received briefings from CIA which were of professional benefit" to him. The CIA materials state that:

"It ... was visualized that ... propaganda ... (if agreeable to him) might be initially inserted in his paper, and then be available for reprinting by Latin American news outlets ... There is no indication in the file that Subject agreed ... or that he did place propaganda in his newspaper."

Finally, the committee report on domestic fallout discusses the danger of using religious organizations as CIA fronts:

"Making operational use of U.S. religious groups for national purposes both violates their nature and undermines their bonds with kindred groups around the world," the committee says.

Since 1967, the report says, the CIA has had strict rules against using religious

WASHINGTON, April 26—

The United States has undertaken thousands of covert actions abroad since 1947, including 900 major or sensitive projects in the last 15 years alone, with only partial success and in some instances severe damage to the nation's foreign policy, according to a report today by the Senate Select Committee on Intelligence activities.

The 11-member committee considered at one point recommending a ban against all covert actions, the report said, but later concluded that the United States must have some covert capability. Only Senator Frank Church, the Idaho Democrat who headed the panel, ended up calling for a ban.

Limits on Covert Actions

"The committee has concluded, however, that the United States should maintain the capability to react through covert action when no other means will suffice to meet extraordinary circumstances involving grave threats to U.S. national security," the report said.

"Nevertheless, covert action should be considered as an exception to the normal process of Government action abroad, rather than a parallel but invisible system in which covert operations are routine."

The report mentioned by name no covert operations that had not been previously publicly known. It urged that "the intelligence oversight committee of Congress should require that the annual budget submission for covert action programs be specified and detailed as to

organizations without approval from high-level CIA officials and "the CIA has assured the committee that the prohibition against 'all paid or contractual relationships' is in fact a prohibition against any operational use of Americans following a religious vocation."

The Senate committee says the CIA has used few American clergy or missionaries, adding that only four such relationships existed by last August.

Of the recent cases, "the most damaging would appear to be that of a U.S. priest serving the CIA as an informant on student and religious dissidence," the report says.

Of the earlier cases, the report notes that the CIA "used the pastor of a church in a Third World country as a principal agent to carry out covert action projects, and as a spotter, assessor, asset developer, a recruiter."

This man, who the report says collected political information and passed CIA propaganda to the local press, was paid by the CIA for more than ten years.

the activity recommended."

The recommendation left the door open, however, for "unforeseen" covert action projects to be financed from the intelligence agency's "contingency reserve fund" and accounted for later.

The report defined covert actions as those sub rosa efforts—from buying candidates in an election to waging a secret war in Laos—that the United States tried to carry out without being identified with as a nation.

The committee said that there was no legal authorization for covert action in the 1947 National Security Act or subsequent laws pertaining to intelligence, but that internal executive orders had increased the powers to conduct covert operations abroad.

The committee investigated covert actions from the creation of the modern intelligence system in 1947 through the present. Part of its findings and descriptions, the report said, would be circulated only to senators and not made public, at the request of the Central Intelligence Agency.

Covert Actions Traced

The report traced covert actions from a State Department-CIA hybrid in the late 1940's called the Office of Policy Coordination through the formation of a clandestine services section at the CIA in 1952, then called the Deputy Directorate for Plans.

The early covert actions run by the Office of Policy Coordination mainly involved giving financial support and encouragement to labor unions, political parties and other groups in Western Europe in the late 1940's as they tried to resist a Communist takeover, the report said.

It was during the Korean War, the report said, that paramilitary covert operations came to the fore. After the Korean War, according to the report, a directive of The National Security Council broadened operations to the entire globe. Previously such actions were confined to areas contiguous to the Soviet Union or China.

This resulted in widespread secret operations in Latin America, Africa and the Far East, the report said. Though the committee studied several actions, it publicly discussed only a 10-year effort to stop Salvador Allende Gossens, a Marxist, from becoming President in Chile, efforts to undermine General Sukarno in Indonesia and various political assassination plots, including operation Mongoose, which sought to kill Fidel Castro, Prime Minister of Cuba.

The committee leveled its strongest criticism at the paramilitary covert actions. "The committee's findings on paramilitary activities suggest that these operations are an anomaly, if not an aberration, of covert action," the report said.

The committee said that this

WASHINGTON POST
27 APR 1976

Dealing Intelligently with Intelligence

THE SENATE INTELLIGENCE committee's final report is a serious comprehensive summary—surely the best in the public domain—of American (foreign) intelligence activities. It extends beyond an accounting of selected past abuses into an analysis of the country's intelligence requirements and a set of detailed proposals on how these requirements can be met in a way that at once serves national security and respects the rule of law.

The report is a mainstream document: Its premise is that intelligence remains a national necessity, that all intelligence activities must be managed more carefully, that some must be conducted secretly. Yet past abuses are not whitewashed and the genuine difficulties of future control are not glossed over. The House may have been unable to deal intelligently with intelligence. The Senate, by this report, has earned the public's confidence in its capacity to join in the shaping of national intelligence policy.

The special virtue of this report lies in the method of congressional-executive interaction by which it was produced. Avoiding do-or-die confrontations of the sort that destroyed the House inquiry, the Church committee bargained out differences with the executive over access to, and disclosure of, contested information. This meant that some material was withheld. But the public ended up getting much more than it otherwise would.

It is possible, of course, to be too sympathetic to executive pleadings for secrecy. The case for limiting covert operations to the "most extraordinary circumstances," for instance, as the committee recommends, would have been stronger if it had been able to publish more detail on what three members called the "high political costs and generally meager benefits" of past covert actions. Yet we doubt that the Church panel yielded too much. Realistically speaking, this is the only spirit in which Congress can hope to win the requisite executive, congressional and public support for a continuing intelligence role. Congress is unlikely to win a shootout on the barricades; the likelier outcome is stiffened intransigence

by the executive which only reinforces the old status quo. At some point, of course, Congress could "win" by resorting to budgetary reprisals, but this resolution of a shootout hardly serves the purpose of reading a reasonable and effective accommodation on the conduct of intelligence activities.

The problems associated with the conduct and control of covert operations have received most of the publicity attending the CIA in the last two years. Over the long term, however, the problems of collecting and producing intelligence—both "national" intelligence for policy makers and "tactical" intelligence for military men—are, though duller, of much greater consequence. The committee's substantive treatment of the political, bureaucratic and psychological aspects of intelligence is probably its most valuable work. The question of whether the country is getting the intelligence it needs, not to speak of the intelligence it pays for, must be relentlessly pursued.

The Church committee took the position that the intelligence reforms already put in place by the Ford administration should be accepted and built on, not jettisoned. Again, no useful purpose would be served by gratuitous confrontation. Whether all of the committee's own structural and policy recommendations are equally sound, however, remains to be debated. We intend to return to the more important of these in time. At the least, the committee's proposals give the public a better basis for judging the worth of administration reforms.

The next step ought to be the establishment of a standing Senate intelligence oversight committee. Only by this step can the process of reform, as well as continuing oversight, be carried forward. This will require the President to share power in intelligence, as he routinely does in every other area of public policy. But it will require Congress to share responsibility. Ultimately, the effectiveness of this working relationship—and not the contents of reports—will be the standard by which the now-concluded Senate intelligence inquiry must be judged.

WASHINGTON POST
28 April 1976

William Nelson Resigns As CIA Operations Aide

William Nelson, the Central Intelligence Agency's deputy director for operations, resigned yesterday.

An agency spokesman said CIA Director George Bush had tried to convince the 30-year veteran to stay on.

Asked if Nelson's departure had any relation to the Senate intelligence committee report, which criticized CIA's covert and counterintelligence operations, the spokesman said: "No, it was a 30-year retirement."

Nelson assumed control over CIA counterintelligence operations in Decem-

ber, 1974, when James Angleton resigned.

The Senate committee report referred to Angleton's retirement and traced it to "differences of opinion with Director William Colby on the proper approach to the practice of counterintelligence."

Angleton believed in tight compartmentalization of counterintelligence operations and often not even the CIA director knew what operations he had under way.

Under Nelson, counterintelligence responsibilities were diffused throughout the CIA operations directorate.

NEW YORK TIMES
28 APR 1976

Reporters As U.S. Agents

By James Reston

WASHINGTON, April 27—In its censored report on the overseas operations of the Central Intelligence Agency, the Senate Select Committee on Intelligence Activities confirms that the C.I.A. has been using United States reporters, academics, and even religious leaders as paid spies, but refuses to disclose the names of those involved.

Moreover, according to the committee, this practice is still going on, and all efforts by officials of the universities, churches and the media to get the facts so that the practice can be stopped have been evaded by the C.I.A. for years.

This "raises troubling questions," the Senate committee observes, "as to preservation of the integrity of American academic institutions." It does more than that: It casts doubt on the operations of all media, religious and academic representatives abroad, without giving their institutions the opportunity of defending themselves against the corruption of their work.

Several observations about this:

For years, leading American newspapers have requested and received from the C.I.A. assurances that none of their staff members were being used by the C.I.A. as paid informers.

The answer usually given by the C.I.A. was that this practice was common some time ago but had been discontinued, at least so far as "staff members" of the newspapers were

NEW YORK TIMES
28 APR 1976

Intelligence Report

The Senate Select Committee on Activities correctly perceived that the basic issue it faced was to strike an appropriate balance between the precepts of American democracy and the secrecy requirements of twentieth-century power politics. The committee's recommendations tilt away from secrecy and toward controls over intelligence activities which, if enacted, would bring this country's secret foreign policy machinations somewhat more into line with what Americans want to believe about their country and themselves.

The committee duly reported the fundamental fact that both the executive and the legislative branches of Government have mishandled the job of controlling the intelligence community. Whether in gross numbers (there have been 900 major covert actions since 1961), or in ugly specifics (C.I.A. researchers dropped LSD into the food and drink of unsuspecting citizens) the record supports that assertion.

The Church committee's recommendations are on the whole constructive and intelligent. The committee's suggestion that formal written authorization be required for clandestine activities would in itself insure a decline, in the number and modification in the nature of such programs. The notion of limiting severely the circumstances in which covert activities can be undertaken

concerned. Maybe some "stringers" or part-time space-rate reporters for American papers were used, but even this was not common C.I.A. practice.

When detailed investigations by the House and Senate Intelligence Committees disclosed that this was not true and that the practice still continued, again the C.I.A. refused to cooperate with the papers when the

matter. Most reporters in Washington, for example, will not accept pay for going on "talk shows" for the official Voice of America, lest they seem to be putting out the official U.S. propaganda.

What is troubling about this is that President Ford does not simply issue an order to the C.I.A. to stop the practice. Some of us have talked to him privately about it and he does not condone it, nor does he deny the intelligence committee's report that the practice continues. The dilemma is that he does not stop it himself or make available, in private if necessary, the information the media, the universities and the churches need to abolish the practice themselves.

It is common practice, of course, for Communist governments to use what they call "reporters" as spies, and vice versa. Even some of the Western European governments have used journalists as "cover" for their agents, but not until the last World War with the creation of the O.S.S. did the U.S. Government consciously subvert its own reporters and academics.

The Senate Intelligence Committee report will now go to the Congress for remedial action, and no doubt there will be closer control by the Congress over the finances and covert operations of the C.I.A. But this will take time.

The C.I.A. itself has been complaining, often with good cause, that the press was interfering with its legitimate intelligence-gathering functions particularly in the publishing of the names of its spies. Here the reporters and others have some responsibility not to subvert their own professions or the essential work of the C.I.A., but this does not justify the C.I.A. in trying to subvert the press.

Nor does it absolve the President. The C.I.A. is his intelligence agency, and all he has to do is call George Bush on the phone to clear up the mess.

and requiring that Congress be notified in advance would also be effective steps toward a more responsible and controlled intelligence program.

Unfortunately, however, the committee's analysis was superior to its political savvy. Legislative momentum began to dwindle weeks ago and this report did little to revive it. It contains few disclosures that were not already in the public domain. Thus, the committee did little to enrich the foundation of fact and public understanding required to achieve the legislative remedies which it found necessary and desirable.

Some way must soon be found to improve the legislative climate because the key to reform is currently locked away in the recesses of the Senate Rules Committee. The intelligence committee's recommendations are founded on the assumption that a new Senate committee with legislative authorization and oversight power would be formed. That concept was embodied in Senate Resolution 400, but the old barons of the Senate,—particularly Senators Eastland and Stennis of Mississippi whose Judiciary and Armed Services Committees would lose power under this measure—are undermining it.

Unless the months of work and hundreds of thousands of dollars spent in this investigation are to be essentially wasted, members of the Intelligence Committee and other members of the Senate who are concerned about exercising some democratic control over intelligence operations must find a way to rescue S. Res. 400 and to pass it quickly.

NEW YORK TIMES, TUESDAY, APRIL 27, 1976

Wider Congress Role

Committee Goes Further Than Ford In Moving Toward Tighter Oversight

By LESLIE H. GELB

Special to The New York Times

WASHINGTON, April 26—The recommendations of the Senate Select Committee on Intelligence Activities, like the actions taken by President Ford several months ago, seek to

strengthen the role of the President

News and the Director Analysis of Central Intelligence in controlling covert operations and the hands of enforcement authorities in dealing with violations of the law.

In the committee report released today, however, the senators go much further than the President in pinpointing responsibility for covert actions and broadening Congressional oversight powers.

The philosophy behind the President's executive orders was to make the existing system of policy-making and review more efficient, not to change it. The attitudes underlying the committee's recommendations are that fundamental changes are necessary in the laws, within the executive branch, and in Congress, to insure that the secret activities of the intelligence community are brought into greater harmony with the requirements of democracy.

"The fundamental issue faced by the committee in its investigation was how the requirements of American democracy can be properly balanced in intelligence matters against the need for secrecy," the report stated.

The committee made a number of recommendations that Mr. Ford has flatly said he would oppose. These proposals would have the effect of making Congress a virtual coequal with the President in deciding upon covert operations and in drastically reducing the incidence of such secret paramilitary and money-passing operations. Among them were:

Putting into statutes the charters and regulations governing all the intelligence agencies such as the National Security Agency and the Defense Intelligence Agency, and all the practices of the Central Intelligence Agency that have been going on without benefit of Congressional authorization. Mr. Ford wants to retain existing informality and Presidential flexibility.

Bringing counterintelligence and espionage activities, which often have the same effects as

covert operations, under high-level policy review and under the law. Mr. Ford did not deal with the overlapping character of these operations.

Requiring prior Congressional approval of covert operations. Mr. Ford would continue to inform Congress, as now required by law, "in a timely fashion," which has always proved to mean after the fact. Prohibiting by law political assassinations, in peacetime the overthrow of democratic governments, and the use of newsmen and clergy as agents. Continued use of business covers would be permitted but under close review. Mr. Ford, again, desires policy flexibility.

Making public the aggregate budget of the intelligence community for Congressional approval as required by the Constitution. Mr. Ford has stated that even publication of the aggregate figure would help foreign powers counter American intelligence programs. The Senate Budget Committee rejected today making the budget public.

Give the State Department, and the ambassadors in particular, control over field operations. Mr. Ford did not address the problem of field control.

Several principal findings underpinned these proposals, and in some instances, these findings paralleled those of the President.

Like the President, the committee came to the conclusions that there had been inadequate oversight of intelligence operations within the executive branch; that the vast majority of the some 900 covert actions conducted since 1961 did not go through a formal policy review, and that the Director of Central Intelligence had real authority only over his own central intelligence agency and not the rest of the intelligence community.

The report called "desirable" the President's upgrading of the 40 Committee, the sub-Cabinet-level group that advised the President on covert actions in the past, to a Cabinet-level operations advisory group. While such advice should be made more formal, the report warned that Cabinet officials might not have the time to do this job properly. The report urged the President to make, in explicit fashion, the National Security Council his principal adviser.

The report also commended the President for enhancing the powers of the various inspectors general to police internally the intelligence community, particularly in giving them investigative powers and immediate access to legal redress. The committee went further, however, in detailing how the inspectors general could enforce the laws without waiting for abuses.

Also supported was the President's intent to increase the authority of the Director of Central Intelligence, a post now held by George Bush. After documenting a history of considerable duplication and even triplication of effort, the report urged making the "D.C.I." the head of the intelligence community in fact as well as in name, by giving him the power of controlling the over-all intelligence budget.

The report stated that the President's new committee on foreign intelligence with the Director of Central Intelligence at its head is "a step in the right direction." It cautioned, however, that the words of the President's order to the director to "manage" and "coordinate" are too general. The committee said that the director was to have clear authority to determine priorities and to control all intelligence resources.

The report found the President's new intelligence oversight board "to be long overdue," but maintained that it should not be considered as a substitute for greater Congressional oversight.

Contrary to Mr. Ford, the committee found that Congress does have the constitutional authority to regulate intelligence programs.

The President's only recommendation to Congress in this regard was to form a joint House-Senate intelligence oversight committee with no real additional powers. The Senate report called for separate Senate and House oversight committees with considerably enlarged powers to approve, to know and to investigate.

The report did not specify how the proposed Senate oversight committee would work because the senators chose to leave the matter for subsequent negotiations among the interested committees.

Nevertheless, the members of the proposed committee would be drawn from the existing oversight committees—Armed Services, Appropriations and Foreign Relations—and would serve as a focal point to receive all information and to disseminate to other interested committees. The oversight committee would be empowered to authorize the budget for the whole intelligence community.

On the right to know and make information public, the report drew a distinction between protection of valid secrets and valid disclosure. The Administration's approach has centered almost entirely on legal penalties for unlawful disclosure.

The committee's studies also left a number of issues for future consideration: Whether the analytical and information gathering arm of the Central Intelligence Agency should be separated from its operational arms, and whether the director should remain as head of the C.I.A. as well as head of the whole intelligence community.

A strand of thought running throughout the committee's recommendations and findings was the need for a trail of accountability, as several committee staff members explained, in more detailed laws, executive procedures and record-keeping.

The House Select Committee on Intelligence, which completed its work in February, went further than the Senate panel in proposing some basic restructuring of the intelligence community. Among its suggestions were: Abolishing the Defense Intelligence Agency and dividing its functions between the C.I.A. and civilian defense agencies, and separating the National Security Agency from the Pentagon and reorienting its communications-monitoring activities toward economic and political concerns.

While the House voted against the publication of the full report of its committee, the panel's recommendations were officially published.

The House panel's recommendations paralleled those of the Senate committee's in a number of respects. Both proposed beefing-up the policy-review process for covert operations and the powers of the Director of Central Intelligence, although the Senate's proposals were more detailed.

Both sought to increase Congressional oversight by establishing separate watchdog committees. But, whereas the proposed Senate oversight committee would have the power of prior approval of covert actions, the proposed House counterpart would only be empowered to receive notification within 48 hours of Presidential approval.

The committee did not find that the C.I.A. had been "out of control," as some critics have said, although it sometimes was, but that Presidents had made "excessive, and at times self-defeating, use of covert action."

The committee's recommendation was: "Covert actions should be consistent with publicly defined United States foreign policy goals, and should be reserved for extraordinary circumstances when no other means will suffice."

WALL STREET JOURNAL 16 APRIL 1976

CIA Director George Bush said he has recently made a secret trip to three countries in Europe and is encouraged by what he learned. Bush, speaking to an editors' convention in Washington, said the agency will never identify reporters who once collaborated with the CIA. He also said agents' morale is high despite recent investigations and criticism of intelligence agencies.

NEW YORK TIMES
30 APR 1976

The Meaning (if Any) of the Intelligence Investigation

By NICHOLAS M. HORROCK
Special to The New York Times.

WASHINGTON, April 29—

The curtain has fallen on another Congressional investigation. The television lights in the old Senate Caucus Room are gone, the witness chairs are empty, the microphones are silent,

News Analysis This week, the Senate Select Committee on Intelligence, which conducted half of a coordinated House and Senate investigation of the United States intelligence agencies, issued its final report, two fat green volumes containing 183 recommendations for reform or reorganization.

What is perplexing many today in Washington, as it must be perplexing many around the country, is what, if anything, it all meant.

On the very day that the committee was publishing part of its findings, another Senate committee, the Committee on Rules, was dismantling the key legislative proposal to come from the whole investigation, a bill that called for a single powerful Senate oversight committee for intelligence.

Since most of the select committee's recommendations rely for their implementation upon the creation of an oversight committee, the future of the entire legislative package seems in doubt.

In addition to possible legislative failure, the intelligence investigation was never good box office. If Congressional inquiries were ranked as New York theater, the intelligence investigation would fall well behind Watergate and the Army-McCarthy hearings and somewhere between Senator Estes Kefauver's organized crime inquiry in the 1950's and Senator Edward V. Long's 1966 inquiry into Government invasion of privacy.

Nor did the intelligence investigation create heroes. Senator Frank Church, the Idaho Democrat who was chairman of the committee, has found the investigation a poor platform for his Presidential race and a nonissue on the campaign trail.

The public image of the 10 other members of his committee is no better now than it was before, and a couple have wondered if their image is worse. This also holds true for the members of the investigating House committee.

The two main staff figures on the Senate committee, F. A. O. Schwarz 3d, the counsel, and William Miller, the chief of staff, had no national reputations when they started this investigation, and they have none now.

Many people in Washington came over the last decade to believe that a repressive, secret-police atmosphere was a part of the atomic age. They held out little hope that anyone or anything could change that.

Those with this view argued

that Watergate provided a fortuitous wedge into the secret workings of government, like an opening in an overcast sky, and that the reformers would have a limited time in which to hammer into place protections against repression and a police state before, as one Congressional aide put it, "the sky closed again."

These people believe that the sky began to close when the public no longer appeared concerned about the Central Intelligence Agency's assassination plots, the Federal Bureau of Investigation's Cointelpro and the National Security Agency's electronic snooping. Since no new laws in these areas are in effect today, these critics mark the investigation as a failure.

There is another kind of critic in this city who suggests that the investigation did more harm than good by exposing national security secrets for no better reason than curiosity or publicity, and that the national defense may have been irreparably harmed as a result. This contention gets little general support, and even professional intelligence officers generally reject it.

Yet a third view of this year's investigation may be closer than the others to what has really happened. As one member of the Senate committee put it privately, "The Senate committee may have failed in its objectives, but the investigation as a whole was a partial success."

Soon After Watergate

It is his opinion that the investigation was broader than the Senate committee and broader than its House counterpart. It was touched off in December 1974 by an article in The New York Times reporting sources who said that the CIA had conducted illegal domestic surveillance.

The article came a few months after Watergate and was the catalyst for several forces that saw evidence that widespread illegal intelligence activities were being carried out by several Government agencies.

Three investigations followed, the two on Capitol Hill and another by a Presidential commission headed by Vice President Rockefeller.

The pressure of these investigations has brought some internal changes by the executive branch of the Government. President Ford earlier this year issued an executive order that appears to bar some improper practices and to make changes in the mechanics of how the intelligence community operates.

The President's efforts have been soundly criticized by some, but pragmatists on Capitol Hill like to point out that his reforms are all that there is right now. Attorney General Edward H. Levi has issued the first internal guidelines for the conduct of domestic intelligence investigations by the

F.B.I. and has got some Congressional support for a new electronic surveillance law.

It is widely agreed that the Administration would not have made these moves if it had not been for the pressure of the investigations.

Power of Exposure

There is also another remedy at work here, less easy to detect: the power of exposure. The atmosphere of secrecy that surrounded the intelligence agencies for three decades lulled the men and women who worked in those agencies into the belief that their actions took place in a vacuum and would never be made public; that what they did and who decided to do it would never be held up to scrutiny against the general standards of society.

It is highly likely that the men who conspired to prepare and send to Mrs. Martin Luther King Jr. a tape recording of sex activities picked up by an electronic room bug to force her husband from public life never thought at that moment that their actions would be described at a public Congressional hearing.

Their successors at the F.B.I. and their colleagues at the C.I.A., the N.S.A., the Defense Intelligence Agency and the other segments of the intelligence community can no longer rely on that secrecy. They must now consider that any act they take in their official duties may well end up in public view before a Congressional committee or in the news media.

The problem is that these de facto reforms are temporary. They rely upon men's memories and upon the willingness of successors to President Ford and Mr. Levi to carry them out.

It was for this reason, in the view of many, that legislation, particularly a law calling for strong Congressional oversight, was so clearly necessary for long-term change. Many Congressional political strategists believed that there was support for a strong oversight committee in Congress last spring.

If that support was there, why has it been so seriously eroded?

Mr. Miller and Mr. Schwarz suggest that the publicity stemming from the murder of Richard Welch, the C.I.A. intelligence officer, in Athens and the publicity from the unauthorized publications of the House Intelligence Committee's report were major factors in dissipating public and political support for intelligence reform.

Never Caught Fire

Several committee members have said in interviews that from the beginning of the investigation the issues of C.I.A. political assassinations or F.B.I. Cointelpro harassment of various groups have never caught fire among their constituents.

Without pressure from constituents, they suggest, Congress has little impetus to act. If the ingredient for success of reform legislation is pressure from the public, the Senate Select Committee may well share in the blame for squandering it.

The committee was unwilling from the beginning to operate in public or to confront and do battle with intelligence agencies that were reluctant to supply full and complete information. From January until August last year, the committee conducted the investigation of assassinations behind closed doors.

Meanwhile, in the hallways of Congress millions of dollars worth of free exposure in the news media was available.

Instead of news about testimony, witnesses and graphics of an open hearing, the public received occasional newsgroups from Senator Church or Senator John G. Tower, Republican of Texas, who was the committee's vice chairman.

The committee said that the assassination matters were too sensitive for public hearings. And it later bowed to Administration wishes not to disclose matters on covert operations.

The committee, particularly toward the end of its inquiry, seemed intent on proving that Congress was as responsible in keeping secrets as was the executive branch.

Thus, the committee went from November last year until this week with no attempts to keep public attention on the problems of intelligence abuse.

Strong reform legislation may well be a casualty of these tactical decisions.

NEW YORK TIMES
25 April 1976

Cuba Accuses C.I.A. in Bombing

HAVANA, April 24 (Reuters)—The official Cuban daily Granma today blamed the bomb attack this week on the Cuban Embassy in Lisbon on Portuguese "Fascist" groups and on the Central Intelligence Agency.

The bodies of two Cuban members of the staff killed in the blast were to be flown here later today.

THE WALL STREET JOURNAL, Tuesday, April 27, 1976

CIA Doesn't Require Strong New Reins, Senate Panel Says; Mild Ones Face Fight

By ARLEN J. LARGE

Staff Reporter of THE WALL STREET JOURNAL

WASHINGTON—The Central Intelligence Agency's cloak-and-dagger operatives aren't as active abroad as they used to be and don't need any severe statutory reins, a Senate panel has decided.

The conclusion of the 11-member Senate committee that has been investigating the CIA for the past 15 months is essentially bland, reflecting the continued reluctance of Congress to contemplate a major overhaul of the spy agency. Bland or not, there will be an enormous fight over the committee's list of proposals for closer congressional monitoring of what the CIA does.

Those proposals mightn't get far. The special panel chaired by Sen. Frank Church (D., Idaho) wants the Senate to establish a new committee with centralized authority over the budgets of U.S. intelligence agencies. The CIA also would have to give the new committee prior notice of any major plans for "covert" operations abroad, such as fomenting coups against foreign governments.

The proposed new committee already is in trouble. Senior members of the existing Armed Services and Judiciary Committees don't want to give up jurisdiction over such agencies as the CIA and FBI and plan to wage a sharp Senate floor fight against the proposed rival. Moreover, the proposal helped cause the defection of the Church committee's two most conservative members, Sens. John Tower (R., Texas) and Barry Goldwater (R., Ariz.), who refused to sign the final report.

Intelligence Budget

And there will be another Senate floor fight over a proposed disclosure of the nation's total intelligence budget. The Church committee decided it is unconstitutional to keep this account a secret and originally voted to disclose it as part of the final report released last evening. President Ford, however, urged the committee not to do it, and a last-minute appeal for secrecy was made in person yesterday by CIA Director George Bush.

So the committee voted six to five to leave the question up to the full Senate. This vote split the committee's liberals. Chairman Church wanted to go ahead and put the figure in the report. But the next ranking Democrat, Philip Hart of Michigan, argued that the committee's unilateral release of the figure would anger other Senators and hurt chances for establishment of the permanent new committee to ride herd on intelligence agencies.

What the full Senate will decide is uncertain. The House last year defeated a proposal to disclose the budget figure.

The section of the Church committee's 651-page report that discusses CIA finances is riddled with blanks and deletions. There is a graph, however, that traces the trend of the annual budgets of several intelligence agencies. The budget total is shown snaking upward since 1962 to an unspecified height in the current fiscal year, but these are in inflated dollars. A budget line corrected for inflation snakes downward over the years, so that intelligence financing for the current year is "about equal in buying power to the budgets of the late 1950s," the report said.

Covert Actions Taper Off

This is consistent with other findings in the report that the CIA's covert operations have tapered off lately. In the mid-1960s, according to the report, the CIA was financing and coaching "paramilitary" wars in Indochina, plotting to overthrow the Castro regime in Cuba and engaging in other political activities outside the sphere of just gather-

ing intelligence. "The period 1968 to the present has registered declines in every functional and geographic category of covert action," the report said.

As reasons, the report cited the end of the Indochina war, a cutback in CIA operations involving labor, students and media after these operations were disclosed in 1967 and a reduction in agency personnel overseas made in 1973.

The report said that despite this decline in activity the committee "gave serious consideration" to a flat ban on covert activities by the CIA. "Presidents and administrations have made excessive, and at times self-defeating, use of covert action," the report said. "In addition, covert action has become a routine program with a bureaucratic momentum of its own." Nevertheless, the committee decided the U.S. "should maintain the option of reacting in the future to a grave, unforeseen threat" by using covert operations.

Chairman Church, a candidate for President, wanted to go further and assign the CIA's covert-action responsibilities to the State Department, to be used "only in the most extreme unavoidable situations." This would have produced a sharper Senate fight than the committee had stomach for, and the proposal was dropped.

Journalist Network

The committee found that until last February, the CIA "maintained covert relationships" with about 50 American journalists or employees of U.S. media organizations. These people, said the report in a section worded with CIA guidance, were part of a network of "several hundred" foreign individuals around the world who spy for the agency "and at times attempt to influence foreign opinion through the use of covert propaganda."

In February the CIA said it wouldn't have a money or contractual relationship with any correspondents accredited by U.S. newspapers or broadcasters. The Church committee report said fewer than half the 50 journalists will be "terminated" by the new guidelines and recommended that the rules

be broadened.

The committee said it could find nothing wrong with the CIA's use of secret business operations to aid its activities. One of these is "a complex of insurance companies" operated mainly abroad by the CIA to provide insurance benefits for its spies. The committee said it didn't find any evidence that the insurance companies buy and sell securities for the purpose of influencing foreign stock markets or foreign currencies. The insurance complex at one time had invested "heavily" in domestic stock markets, but the committee said this has been stopped.

The report included a discussion, based on information from the FBI, of Soviet spying in the U.S. In February of last year there were 1,079 Soviet officials on permanent assignment in this country. "Among these, over 40% have been positively identified as members of the KGB or GPU, the Soviet civilian and military intelligence units," the report said. It added that the number of Soviet officials here having "some intelligence connection" may be as high as 70% to 80%.

The Church committee last year issued exposes of CIA attempts to assassinate foreign political figures and the use of mail-openings and other domestic spying techniques to seek a connection between foreign governments and U.S. opponents of the Vietnam war. In its final report the committee said it found "duplication and waste, inertia and ineffectiveness in the intelligence community."

However, the report's tone wasn't all hostile. The committee said it "wishes to emphasize that it has found much that was good and proper in America's intelligence efforts." The less-than-drastic list of recommendations also reflects a considerable change in last year's congressional alarm over the CIA's activities, due in part to a skilled defense of the agency by President Ford. A major turning point came last December with the assassination in Athens of Richard Welch, the CIA station chief in Greece.

Sen. Church and other congressional investigators of the CIA insisted they didn't expose Mr. Welch as a CIA man, but his death and elaborate funeral in Washington put them on the defensive. A parallel CIA investigation in the House ended more or less in disarray, with its final report still officially unpublished in a dispute over leaks.

THE NEW YORK DAILY NEWS
28 April 1976

CIA Watchdog Unit Suffers Big Setback

By JOSEPH VOLZ

Washington, April 27 (News Bureau)—A move to set up a powerful permanent Senate Intelligence Committee suffered a possibly fatal setback today when the Senate Rules Committee voted 5 to 4 to parcel out the responsibility.

Sen. Frank Church (D-Idaho), chairman of the Senate Select Intelligence Committee, which goes out of business May 30, had proposed the permanent panel with jurisdiction over all intelligence activities. But Senate elders who head committees which now have jurisdiction launched a successful fight to strip the new committee.

The vote today means that four committees would share the job. Sen. Dick Clark (D-Iowa), a Rules Committee member, said the vote "greatly weakens" intelligence reform.

But Clark was able to beat back a proposal by Sen. Howard

W. Cannon (D-Nev.), committee chairman, to conduct another study of what kind of intelligence panel is needed.

The committee postponed action on the study, which would have been made by yet another committee established solely that purpose. The chairmen of the Armed Services, Judiciary and Foreign Relations Committees, who who would lose some authority to the new Intelligence Committee, would have made the study.

The next stop is the Senate floor, where Church hopes to reverse the Rules Committee vote.

GENERAL

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Bold Steps Urged to Overcome U.S. 'Disarray' in U.N.

By KATHLEEN TELTSCH

Special to The New York Times

UNITED NATIONS, N.Y.
April 20—A group of scholars and Americans associated with the United Nations has concluded that American policy in the world organization is in a "state of unprecedented disarray" and called for a bold corrective strategy.

In a report presented today to William W. Scranton, chief United States delegate, the group advocated measures to restore American influence in the world organization. Increasingly in recent years the United States has been on the losing end of votes in the General Assembly piled up by a majority of Communist and third-world countries.

Among its specific recommendations, the group said that the United States should boycott with hold funds from "noxious" United Nations pro-

grams. It advised the United States to take a "tough" diplomatic line, demonstrating that it will listen to honest economic grievances but that "it would not be pushed."

The United States was urged also to take the lead in fashioning a new "world order coalition" of like-minded states beginning with Western European allies, Japan and some of the developing countries to consult together and frame joint strategy.

The group reporting to Mr. Scranton was made up of 16 participants with Richard N. Gardner, professor of international law at Columbia University and a former Deputy Assistant Secretary of State for International Organizations acting as spokesman. It included Seymour M. Finger, a former United States delegate to the United Nations, three former members of the Human Rights

Commission—Morris B. Abram, Rita Hauser and Philip E. Hoffman—and John Carey, the alternate American representative on the commission's sub-commission against discrimination.

Also in the group were Prof. Thomas M. Frank of New York University, Prof. Hans Morgenthau of the City University, and Prof. Thomas Buergenthal of the University of Texas.

Others were Charles William Maynas, secretary of the Carnegie Endowment for International Peace; Nathan Pelcovits, a former policy planner of the State Department; Norman Cousins, publisher and writer; Leo Nevas of the United States Association for the United Nations; Jerome Shestack, president of the International League for the Rights of Man, and Sidney Liskofsky and Bertram M. Gold, both of the American Jewish Committee.

Mr. Gardner said that the participants had begun their project in 1974 after the Gener-

al Assembly received Iasir Arafat, leader of the Palestine Liberation Organization, with honors usually reserved for a head of state, an act that was widely attacked in this country and further diminished American confidence in the United States.

The report, entitled "A New United States Policy Toward the United Nations," was offered to Mr. Scranton as guidance for the State Department at a time when its policies are under review, Mr. Gardner said.

One of its major criticisms was that the Government tends to conduct United Nations policy as if were in a separate box unrelated to direct relations between Washington and other capitals. This has led to harmful inconsistencies, the report said.

Implied here was a criticism of Secretary of State Henry A. Kissinger for having negotiated a new agreement with Brazil in February.

THE ECONOMIST APRIL 17, 1976

O, my America

Three-quarters of the abuse that is now flying about Mr Henry Kissinger's ears is unjustified and undeserved. The belatedly published official summary of those famous "remarks" Mr Kissinger addressed to a group of American ambassadors in London last December—which he must now wish he had made public long ago—shows that clearly enough. The starting point of Mr Kissinger's policy towards the Soviet Union is entirely sensible. The Russians have now moved into the superpower stage of Soviet history, and there is very little the United States could have done to prevent that happening; so the aim of American policy is to find the best way of containing this growing Soviet power. The three-quarters of the criticism aimed at Mr Kissinger which really consists of baffled American fury about the expansion of Soviet strength is pointed at the wrong target.

It is the other quarter of the criticism which is starting to tell. This is the part which says that Mr Kissinger has not managed the containment of Soviet power as well as he claims to have done, and that he is now sunk in a global gloom which makes it unlikely that he can lead the necessary containment operation of the future.

The penalties that never penalised

This serious quarter of the attack on Mr Kissinger consists of three specific charges. The first is against his belief that it was going to be possible to bind the Soviet Union into a network of agreements with the west which would discourage it from throwing its weight about: Mr Kissinger's "Gulliverisation" theory, as *The Economist* has called it. The obvious weakness of this theory was that it always seemed unlikely that any such network of agreements between Russia and the west could ever be tight enough to have much effect on the Russians. After all, the immensely complicated spider's web of trade, investment and culture that linked Germany to its western neighbours in 1914 and 1939 was not enough to stop the Germans throwing their weight about then;

and it is hard to imagine the communist superpower ever letting itself become as entangled with the capitalist world as the various capitalist countries were with each other in 1914 and 1939.

On top of this, it now emerges that Mr Kissinger and his colleagues had never quite worked out what to do if this network of "incentives and penalties" failed to make the Russians behave. Would the Americans then cancel their agreements with Russia? When the Russians intervened in Angola, President Ford declined to cancel his grain deal with them; the "penalty" for Angola turns out to be nothing more frightening than the postponement of the next Russian-American chat about three very minor items of business. Or was the hope that in the long run the Russians would start to enjoy their co-operation with America so much that they would stop doing things like Angola? The trouble is that in the long run there can be a lot of Angolas; and if none of them causes the Russians to lose any of their deals with America, they may reasonably conclude that they can have their "detente" and their Angolas too.

This is the central flaw in the Gulliverisation theory. It is why, in the end, it does not matter much whether Russia or America is getting more out of any particular exchange of information about agriculture, or space research, or whatever. Mr Arthur Hartman, Mr Kissinger's assistant for European affairs, recently made a speech gallantly arguing that the 150 different projects of this kind between America and Russia are of considerable benefit to the United States. No doubt some of them are. It is difficult to believe the majority are, because on the whole the American economy and American technology are more efficient than Russia's, and expertise is going to flow, like water, from the higher level to the lower. In any event, even if the balance of advantage were exact (which is improbable), this network of agreements would not be doing its main intended job unless it was having a calming effect on the general

course of Soviet policy. The first complaint against Mr Kissinger is that it isn't, and was never likely to.

The second complaint is that Mr Kissinger's detente policy never seems to have included an attempt to make the Russians agree about the rules of the balance of power in Europe. Mr Kissinger is alarmed at the prospect of the Communist party entering the government of Italy; anyone inclined to suspect him of being "soft on communism" should read his remarks on the subject to those ambassadors last December. He is worried that a Communist success in Italy may encourage a Communist success in France; that American public opinion will not understand why it should help to defend a partly Communist Italy and France; and that the Italian and French Communists' claim to be good democrats now is by no means as foolproof as the optimists think (in which he may well be right, see page 14). But the new respectability of the Communists in western Europe is partly a by-product of detente, which made the Soviet Union itself seem more respectable. The detente policy should therefore have included a clear understanding with Russia about the east-west political competition in the two halves of Europe.

Change in neither—or both

Such an understanding would have had to take one of two forms. There might, in very hypothetical theory, have been an agreement by the west to regard eastern Europe as permanently communist in return for a Russian agreement to regard western Europe as permanently non-communist. But the Russians would certainly have said that they cannot control western Europe's Communist parties nowadays, which may or may not be true but is hard to disprove. Anyway, the west's own belief in pluralism requires it to accept that Communists can legitimately be elected to power if they claim to have accepted the rules of democracy. That was probably a non-starter. The alternative was therefore to tell the Russians that if they were looking forward to radical political changes in western Europe they would have to accept the possibility of change in eastern Europe too. The competition would have to be a two-way process.

This is where Mr Helmut Sonnenfeldt, the counsellor at Mr Kissinger's state department, comes into the argument. Now that the summary of Mr Sonnenfeldt's own talk to those American ambassadors last December has been published, it is clear that he was not washing America's hands of all interest in the future of eastern Europe. On the contrary, he said that the Americans should respond to the east Europeans' hopes of a "more autonomous existence"; which is the polite way of saying more independence from Russia. The trouble is that the American policy-makers still seem to be telling the east Europeans that their best hope of more independence is the relaxing effect detente ought to be having on Russia (but detente does not in fact seem to be making Russia relax at all); and that they should be careful not to stare Russia too boldly in the eye (but why advise them to keep their eyes down?).

The west could and should be urging a different course on the Russian-dominated countries of eastern Europe. This would not amount to an invitation to them to revolt. If the west was not prepared to help Hungary in 1956, nor to help Czechoslovakia in 1968, it is unlikely to intervene on behalf of a democratic rebellion now, when Russia is militarily stronger than it was then. But the west could be saying to the Communist governments

of eastern Europe that, if they want more independence from Russia, they should look at what Hungary has done to make its economy rather different from Russia's, and Rumania its foreign policy, and Poland its treatment of intellectuals. And then add them up.

If an east European country tried to marry for its own purposes the combined independence of, say, Hungary and Rumania, would Russia really send its army in to stop the nonsense—and risk a plummeting of Communist votes in Italy and France? It seems unlikely: the Communist governments in eastern Europe can risk being a bit more assertive. The west should also be saying to the people who live under those governments that it does not regard monolithic single-party Communist rule as their permanent and inevitable lot. Most east Europeans would like a wider range of choice, as the Czechoslovaks showed in 1968; and the west should be encouraging them to press their rulers to give them rather more choice—at first, for instance, by allowing different factions to compete within the Communist parties. It is Mr Kissinger's failure to urge the need for change in eastern Europe vigorously enough that is the second count against him.

The third is that he no longer seems to have the old Kissinger bounce. To be sure, he has every reason to be tired and dispirited. For seven long years he has been running the most centralised foreign policy operation since John Foster Dulles's. For the past two years the American congress's attempt to get in on the act has produced one confusion after another—Soviet emigration, the arms ban on Turkey, the Angola mess—which congress has then left Mr Kissinger to try to clear up. The old idea that the government's men might occasionally have things they would like to chat about in private has virtually collapsed under the enthusiasm of American journalists for publishing any document a piqued official gives to them. Mr Kissinger's Middle East policy has run into a sand dune; his Soviet policy has gone skidding on the icy surface of the Russian will to power. It is enough to make any secretary of state feel depressed.

But Mr Kissinger's dispiritedness seems to go deeper than this. He sometimes sounds as if he no longer believed that congress and administration can co-operate enough to run a coherent foreign policy, or that American public opinion is prepared to carry the weight of America's position in the world. He has been accused of being resigned to accepting second place for America, behind Russia; it is probably truer to say that he fears America is resigned to it.

The resilience is there

If he does, he is almost certainly wrong. The main lesson so far from this year's presidential campaign is the groundswell of support for a more vigorous assertion of the American role in the world. There is no reason why the American people, with all their economic and technological power and vitality, cannot insist on military equality with Russia, and recover some of the ground lost in the past few years. There is no reason, on this year's evidence, why American opinion cannot be rallied to support an intelligent defence of western interests. But the effort will have to be led by a man resilient enough to understand America's own capacity for resilience. Perhaps this German-born secretary of state could escape from his apparent *Weltschmerz* if he remembered that he is, after all, an American now.

NEW YORK TIMES
23 APR 1976

ROCKEFELLER GIVES A REPORT ON TRIP

Notes Wide Concern About
U.S. Foreign Policy

By PHILIP SHABECOFF
Special to The New York Times

WASHINGTON, April 22—Vice President Rockefeller, recently returned from a seven-nation, four-continent official journey, says that America's friends are gravely concerned about the thereliability and concerned about the reliability and consistency of United States foreign policy.

In an interview yesterday, Mr. Rockefeller said that after a period of "drawing back" from the United States because of Vietnam and other factors, the countries he visited were again "reaching out" to the United States for support.

Most of the leaders with whom he talked told him they counted on a stronger American military presence in their area, Mr. Rockefeller said, adding:

"A subject of major concern around the world is: Is the United States withdrawing into isolationism? Is America foreign policy going to be coordinated between its legislative and executive branches. Can we count on you?"

He also said he found that leaders of the countries he visited "appalled" that the United States did not take decisive action in Angola.

Mr. Rockefeller, at the request of President Ford, visited Tunisia, France, Iran, Malaysia, Singapore, Australia and New Zealand in March and April. Yesterday he sat in an easy chair in his cavernous office in the old Executive Office Building next to the White House and discussed his trip.

In Tunisia, Mr. Rockefeller said, he had found considerable uneasiness about the future, particularly about future actions of its neighbors, Libya and Algeria.

There was particular concern about Algeria, which had been receiving large amounts of arms from the Soviet Union and which had been visited by the Vietnamese military strategist, Gen. Vo Nguyen Giap, and also by Prime Minister Fidel Castro of Cuba.

The Shah of Iran, whom Mr. Rockefeller met on the island of Kish, expressed the hope that the United States would retain a strong presence in the Indian Ocean. He also said that he was working to improve relations between India and Pakistan.

In New Zealand and Australia Mr. Rockefeller found that the Governments desired a United States naval presence in the South Pacific. In fact, Mr. Rockefeller said, requests that the United States naval capacity be maintained and strengthened were encountered constantly on his journey.

Mr. Rockefeller said that he

WASHINGTON STAR
22 APRIL 1976

William F. Buckley Jr.

The Finlandization of the American will

The lesson for today is the lead essay in the April issue of *Commentary* magazine, written by its editor, Mr. Norman Podhoretz. It is entitled, "Making the World Safe for Communism," and is an agonized documentary of what has happened to the American will during the past few years. Picking up the term from a European intellectual, Mr. Podhoretz terms it: "Finlandization from within."

It was a long time ago that the fate of Finland crystallized in the public mind as something of an archetype. What does Finlandization of the spirit mean?

That more and more Americans, more and more often act on the assumption that the Soviet Union is, when you come right down to it, the supreme power in this planet, and that the only sensible thing you do about it is: accommodate. When the Soviet Union decides that it will massively support a conclusion of the war in Indochina with a victory by North Vietnam, you permit it to happen, though it is appropriate to come up with a little fustian rhetoric, as when, fleeing the bully to the safety of your front porch, you shout out your defiance of him. When the Soviet Union decides to intervene decisively in Angola, you find it that

much easier to yield, the Vietnam experience having permanently ruled as out of consideration any direct military intervention.

It is Mr. Podhoretz's melancholy conclusion that the pervasiveness of our new isolation has reached such a point as to all but incapacitate us from effective resistance. The liberals (and many conservatives) are blunt on the matter of military intervention, one of their objectives in their assault against the "imperial presidency." They are also, as witness their assaults on the CIA, opposed to extra-military intervention. The CIA's role in helping the anti-Communist fraternity everywhere in the world during the postwar years is all but neutralized. When it was suggested that CIA money might go to help the democratic parties of Italy, the protests were very nearly universal. Any suggestion of aid to the anti-Communists in Portugal was, quite simply, excluded.

Why all of this? In part, Mr. Podhoretz correctly concludes, because of the creeping military superiority of the Soviet Union. ("When the 'Chamberlain' side of Kissinger asks American critics of the SALT agreements, 'What in the name of God is strategic superiority? What do you do

with it?' he might better address the question to the Russians, who seem to know very well both what it is and what you do with it, and who could easily enough give him the answer. What you do with it is to intimidate other nuclear powers who might wish to stand in your way when you start to move ahead.") But also, because, among the elite in particular, there is a marked diminution in any concern for freedom, or indeed appreciation even for freedom at home—the best evidence of which is the dizzy enthusiasm American intellectuals have shown for life in Mao's China.

Thus the strides of the Communists abroad coincide—indeed, are made possible by—the general demoralization at home:

"If it should turn out that the new isolationism has indeed triumphed among the people as completely as it has among the elites, then the United States will celebrate its 200th birthday by betraying the heritage of liberty which has earned it the wonder and envy of the world from the moment of its founding to this, and by helping to make that world safe for the most determined and ferocious and barbarous enemies of liberty ever to have appeared on the earth."

Tuesday, April 20, 1976 The Washington Star

Crosby S. Noyes

Maybe they DO listen to Henry's warnings

No one has mentioned one possible explanation for some of the things Henry Kissinger has been saying about Africa and Europe. He could believe the people involved may take his warnings seriously.

It may not be quite as loony as it sounds to some of his listeners in Washington. Many of them seem to believe the secretary of state is merely huffing and puffing about such things as

the Soviet-Cuban presence in southern Africa and the Italian elections.

When he says that the United States "will not tolerate" any more Angolas, or that the participation of the Communists in a future Italian government is "unacceptable" to the United States, the reaction in this country is that he is

bluffing, which is futile or counter-productive. The assumption is that the secretary is essentially powerless to control — or even influence — events in other parts of the world.

It may be mistaken. It is unlikely that the Russians expect the Marines to land in Angola. It is also quite possible that the Italian Communists may win some votes by complaining about American interference in their internal affairs. But there is at least some evidence that neither the Russians nor the Italians are entirely insensitive to the political trends here, or to Mr. Kissinger's expression of them.

Indeed, recent reports from Moscow suggest that the Soviet government is showing signs of anxiety about the fading of the

mood of detente in this country and its effect on the whole spectrum of Russian-American relations. According to the New York Times, "some Soviet insiders, concerned by President Ford's responsiveness to criticism from the right, are predicting a new restraint in Moscow's foreign military involvement during the coming months, particularly in southern Africa."

The same may be true of Mr. Kissinger's warnings about a possible role for the Communists in a future Italian government. A good many Americans, apparently, reject as fanciful the secretary's fears of a new kind of "domino theory" effect in which the advent of communism in a country like Italy could involve other Western European countries as well. Some

critics, including former Undersecretary of State George Ball, seem almost to favor participation of the Italian Communists as an antidote to the "corrupt" and "flabby" political parties that have governed Italy since the war.

Yet the Europeans in general and the Italians in particular are a good deal less enthusiastic about the prospects of sharing power with the Communists. There is considerable skepticism about the new independence from Moscow proclaimed by the Western European Communist parties and their devotion to liberal Western democratic processes. Mr. Kissinger's forebodings of the political consequences of governments in which Communists hold power are widely shared.

In Italy, for example, two out of three votes cast in the national elections are still anti-Communist votes. According to a recent poll, nearly half the population of the country believes that once the Communists come to power, they will stay. Even the Italian Communists themselves have obvious reservations about pressing their present ascendancy too far or too fast.

Can it be that Mr. Kissinger's cautionary words are taken more seriously abroad than here? "As secretary of state," he says, "I have the obligation to make clear what I feel the consequences of certain events are, even if we cannot control them." Such warnings may have been more effective than many of us realize.

DAILY TELEGRAPH, London
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In Easter Week: thoughts on the border between religion and politics

How Marx's Sirens lure the Church

By EDWARD NORMAN

SOME observers have supposed that the willingness of Christianity to associate itself with international socialist causes is the result of careful calculation—that Church leaders have read the signs of the times, concluded that socialism is about to succeed everywhere, and have judged it prudent, for the Church's survival, to be on the winning side.

How much one wishes that was the case. It would at least show a degree of political realism within Christian leadership and a proper sense of employing the guile of the world in the promotion of the Divine scheme. But unhappily the rush to embrace international Left-wing thinking is not the result of calculation, but of belief.

The mechanics of its appeal are only too clear. Radical Christians throughout the world are not, in general, horny sons of the soil, striving against corrupt social systems in order to bring the simplest necessities to their wretched dependents. They are members of the bourgeois radical élite, emotionally attached to the fashionable idealism of social change.

Their espousal of socialism is a class characteristic, an indication of their moralism. Their moral seriousness has become secularised, and politics is now the texture in which it is wrapped. It is from this atmosphere, of the possibility of secular redemption that so many Christians are now prepared to acquire their own sense of social righteousness—rather than from faith in eternal priorities.

They rationalise the emotional investments that have already been made by others, in the selection of particular issues for concentrated propaganda. They make a simple, and generally innocent, conflation of Christian love of neighbour and the most hard-line

international Marxist devices to attract liberal and humanitarian consciences to the side of world revolution. They reason away the rhetoric and style of the propaganda as merely a succinct manner of expressing agreed moral truths about human society. This last feature can be very baffling for the less zealous, who correctly detect the true ideological affinities of all the moralistic rhetoric, but who do not have adequate countermodels against which to set their reservations.

Furthermore, Church leaders usually deny that their moralism has any affinities with the propaganda assumptions of the international Left at all. And within the hot-house atmosphere of central Church administrative thinking, that can seem a reasonable claim. There the sums have all been done. The breathless steps have all been taken. Yes: Christian concern with human needs does require a political dimension. Yes: it can be identified with movements to overthrow "oppressive" régimes.

Church leaders whose progression has been along these familiar lines have long ago lost touch with the ordinary assumptions of ordinary Christians. Hence the hurt surprise of the men in the pews—or the huge majority

or Christians in England today—when they are offered rationalised political rhetoric, dressed up as Christian "concern," in answer to their puzzled queries about the propriety of identifying the demands of God with the ephemeral enthusiasms of contemporary political moralism.

For all their belief in their own reasonableness, however, Church leaders in fact hold their political opinions with a good deal of passion. I had occasion to notice this myself in February. During the week in which the General Synod of the Church of England discussed a highly contentious paper about Chile, produced by its own Board for Social Responsibility, I was asked by this newspaper and by the BBC to offer some views on the matter.

I suggested that, appalling though aspects of the Chilean régime are, there was a danger that the Church, in seeking a humanitarian view of world events, would innocently absorb the propaganda promoted by agencies of international Marxism. To my surprise my opinions were extravagantly caricatured, and then denounced for their patent absurdity, during the Synod debate and apparently amid a good deal of derisive hilarity.

A new tyranny

Christians today are victims of their own moralism. They are too

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easily prepared to believe the worst of supposedly reactionary opinion, and far too gullible about the general picture of "exploitation" and "oppression" which international Left-wing thinking seeks to establish as self-evident truth.

The desire to have Christian attitudes to "world problems" comes at a time when Christian leaders are notable for their lack of professionalism in political judgment. They are easily bagged by anyone who represents his political objectives in the compulsive moral rhetoric which is so attractive to bourgeois radicalism. Those who remain as unbelievers are written off as "extreme Right wing"—though they are more likely to be genuine liberals—or as victims of "conspiracy theories," or voyeurs of "reds under the bed." A new tyranny of opinion is descending upon the Church. And because Church leaders today are such amateurs in the very professional business of political propaganda, and because they really are so dedicated to proper humanitarian ideals, they are permanently open to uncritical acceptance of seemingly any account of world conditions which exploits their generosity.

Because their much-proclaimed "Christian" concern for humanity usually turns out to be just ordinary

humanism, they are easily swept up by secular enthusiasm for humanity, lacking, as they so often seem to do, distinctly spiritual insights into men and their social behaviour. So the Marxists' liturgy of propaganda is reproduced in the world views of Christianity: a Government or social system marked down for "liberation" is first described in isolation, without reference to the conditions general among mankind (and especially the conditions in socialist countries) in order to show how miserable is the condition of people under "capitalism".

Then come the atrocity stories. The Government is denounced for brutality and torture. Then the forces of oppression are depicted as "the bourgeoisie," whereas it is the bourgeoisie in most countries (and as in Chile) who are most noticeable for their socialism. Next, distinguished Western liberals explain in what ways the conditions complained of are offensive to their consciences. Finally, the World Council of Churches weighs in, and international Christianity condemns the polemicism of the international Left.

This is not to say, of course, that Christians who become Marxists are wrong. Christianity is a universal religion, and it would be lamentable if it was not rendered in all the experiences which men

have of righteousness. But the trouble with the present willingness to accept Marxist definitions of world affairs is precisely that the Churchmen who lead opinion do not become Marxists. They are merely deceived into becoming the helpful allies of Marxist movements for change. They are just not well enough acquainted with the harsh realities of political manipulation—supposing, indeed, that such vile devices are the brutal monopoly of "oppressive" regimes of the Right, or possibly of the Soviet system in its unhappy lapses—but not as something that could conceivably stain the pristine political purity of the liberation politics of the "Third World".

What we are seeing today is the demoralisation of Western society; the dismantling of the values of the Western way of life. It is a terrible irony that Christianity which ought to have been a guardian of those values, is now so often drawn into assisting their destruction. If freedom survives in the world, men will look upon this period as one of incredible unreality. Christianity was once the vehicle of the moral seriousness of the intelligentsia. Today, throughout the world, that role is increasingly fulfilled by Marxism. It is strange to find Christianity so sympathetic to its own replacement.

THE WASHINGTON POST Sunday, April 18, 1976

When Two Elites Meet

By Peter L. Berger

Berger is professor of sociology at Rutgers University. His "Pyramids of Sacrifice," published last year, was nominated for a National Book Award. This article is excerpted from the March issue of *Commentary* magazine.

UNTIL THE LATE 1960s, the great majority of American intellectuals accepted the essential legitimacy of American power, even if they had objections to this or that manifestation of it. Equally important, the economic elite operated on the notion that the maintenance of American power in the world was in their interest (in that respect, at any rate, being in full accord with the Marxists). Vietnam changed all this.

Most American intellectuals have since Vietnam come to believe that the exercise of American power is immoral. But what has been less noticed is that Vietnam has also changed the mind of a substantial segment of the economic elite as to the economic advantages of world power: it has given rise to the idea that the maintenance of American world power is unprofitable.

The antagonism between the two elites is confined almost entirely to domestic issues. On international issues there is a remarkable convergence of perceptions and

interests, and as this convergence becomes established, a new phenomenon will increasingly become evident—the influence of what might well be called a new intellectual-industrial complex on American foreign policy.

The term "intellectual-industrial complex" was once used to describe the situation in the early 1960s, when intellectuals in America related much more positively both to government and to the economic elite. My contention is that a quite different convergence is emerging now around an altogether different—and indeed opposite—objective: the dismantling of American power throughout the world.

Let me hasten to say that I am in no way suggesting a conspiracy. The idea of a convergence between the two elites is not at all dependent on the assumption (though it may be a correct one, for all I know) that top executives of multinational corporations regularly engage in earnest dialogue with editorial writers of The New York Times. Current fashion to the contrary notwithstanding, history rarely moves through conspiracies. Nor is it my assumption that the convergence is based on some sort of agreement on matters of theory. Rather, perceptions and interests converge in an unintended way, possibly even in a way that contradicts the theories held by the two parties.

Few members of the American intellectual elite recommend the abolition of the military establishment; rather, it is to be cut down as much as possible—and, very importantly, not to be relied upon as a means of influence and persuasion. Needless to say, there is even stronger antagonism to covert operations of any kind. In all of this, there is hardly any sympathy for the major foreign adversary of the United States.

The group under discussion here is certainly not pro-Soviet (though it has a pronounced tendency to underestimate Soviet power and overestimate the reasonable character of Soviet intentions). When it comes to admiring foreign regimes, the propensity is to choose regimes that call themselves "socialist" and that are (or are thought to be) different from the Soviet type of "socialism"—China, North Vietnam, Cuba have at one time or

another been the major beneficiaries of this quest for new forms of socialism to admire.

But the main point of the program of this group in foreign affairs is that the United States is no longer to use its power to contain the spread of communism, or to intervene militarily to defend other democratic countries, or to foster the spread of free institutions anywhere else in the world. These American intellectuals do, of course, believe in such classical democratic values as freedom of speech, freedom of worship, individual protections against arbitrary arrest, due process and the like. But they are against any effort to "impose" such values on other countries — or, at any rate, on other countries calling themselves "socialist."

Bad for Business

UNTIL VERY recently such ideas were in sharp opposition to those prevailing among the economic elite in this country. If the latter was seen by the former as caught in a "Cold War mentality" or an ideology of "imperialism," the reverse perception was one of "utopianism," "idealism" and "softness on communism." Put simply: intellectuals were losing faith in the benevolence of American world power while businessmen were still holding on to it. I believe that this has been changing since the debacle of the American intervention in Indochina. While businessmen have not exactly become latter-day converts to McGovernism, the perceived self-interest of the economic elite is leading it to a posture in the area of foreign policy which is highly congruent with the posture of the intellectuals.

Again, this is not to suggest that businessmen are exclusively motivated by material interests, any more than (conversely) intellectuals are exclusively motivated by ideological or moral considerations. Intellectuals have material interests as well as ideological commitments, and businessmen have beliefs, values and moral and cognitive prejudices as well as material interests. Indeed, when businessmen are compared with intellectuals, it is hard to say who has the edge in the matter of ideology.

However, the economic elite operates in a context where the penalties for false perceptions are more swiftly and more tangibly experienced than in the context of the intellectual elite. This means that ideological tendencies among businessmen are more rigorously controlled by a "reality principle" — to wit, the principle of perceived economic interest.

It is on the basis of this principle that the American economic elite has been changing its position on the American role in world affairs. The maintenance of American power in the world, previously perceived as an economic asset, is now coming to be seen as an economic liability. It is inflationary (Vietnam was *not* "good for Wall Street"); it is an insufficient guarantee for the safety of foreign investments; it unnecessarily antagonizes an important sector of the foreign market for American goods. This shift may not pertain to all parts of the world equally; an exception may be at least some areas of Latin America. But it pertains, I think, to most of the rest of the Third World. Most importantly, it has affected the perception of American economic interests vis-a-vis the Communist countries.

From the standpoint of any economic elite, political stability is a prime desideratum: It must be, since only in a politically stable situation can long-range economic strategies pay off. The modern corporation is compelled, most of the time, to think in long-range terms; that is, it can only rarely afford quick in-and-out economic adventures. This concern with political stability has led over and over again to a readiness to do business with all sorts of morally distasteful regimes, as long as those regimes had a control over their respective countries that seemed reasonably long-range. In fact, as intellectual critics have pointed out repeatedly, American business abroad had tended to prefer stable dictatorships to unstable democracies.

The one big exception to this general tendency has been Communist regimes. These did, of course, provide political stability; indeed, it could be argued that in the contemporary world they provide the politically stable situations *par excellence*. But they were also viewed (and viewed correctly) as being inimical to American economic enterprise.

It is precisely this perception that is now changing. Communist regimes, and particularly those within the Soviet orbit, have shown themselves increasingly to be reliable trade and investment partners; in the exact measure in which this is taken to be the case, the political stability of these regimes comes to appear an asset.

In the past few years, the Soviets and their European satellites have demonstrated that they are very much interested in economic relations with American business. Empirically, they have turned out to be hard bargainers, but once they make an agreement, they keep it. American investments in these countries have been limited. But they are invariably safe, or so it seems thus far.

There is no reason to think that this would change if the investments grew. In the Communist countries, as contrasted with those of the Third World, there are no problems with anti-American intellectuals and political movements, with coups or terrorism, with aggressive labor unions. Inflation is controlled and tax regulations are simple. Once it can be assumed that Communist countries are interested in long-range economic relations with American business, all these qualities become very attractive indeed. And, even better, no exercises in American "imperialism" are necessary to maintain such favorable conditions. In sum: it has become possible to do very good business with the Communists.

Admittedly, all these perceptions are based on the slim evidence of the last few years. The new view in the ascendant among the business elite makes some assumptions that cannot be empirically validated — particularly the assumption that the economic needs of the Soviets will continue to be what they are now, and the further assumption that a new generation of Soviet leaders will continue the present precarious balancing act between economic and ideological interests.

Nobody (least of all the Sovietologists) can say how likely it is that these assumptions will hold. Can the Soviet economy, and especially its agrarian sector, finally overcome its chronic inefficiencies? Can Soviet technology catch up with the West? Is an ideologically or militarily more aggressive leadership waiting in the wings? Who knows? The assumptions on which the new view is based, however, are about as reliable as any others held in connection with foreign economic undertakings — and they are almost certainly better than *any* assumptions about the future of that explosive area of erstwhile American "imperialism" known as the Third World.

Righteous Realism

BUT IT IS NOT in the Third World, it is in Europe that this shift in perception may have the most far-reaching consequences. It is Europe that has been the major focus of American economic and political-military interests. It has been axiomatic since World War II that Europe was essential to these interests; indeed, the very existence of what we now know as Western Europe is a product of this axiom. Now, it is not at all necessary to conclude that this axiom is about to be rejected *in toto* by the American economic elite. There will continue to be very important American economic interests in Western Europe. But increasingly there will also be important American economic interests in Eastern Europe. Sooner or later, the difference between the two Europes will become a little fuzzy in this perspective. One may pinpoint the change by saying that until now, a Sovietization of Western Europe, whether by direct Soviet actions or by means of internal Communist movements, was deemed to be fundamentally contrary to American

economic interests. What I believe is happening now is that such a Sovietization of Western Europe is becoming less unthinkable to the American business elite. That is to say, it is becoming less self-evident to the economic elite that American economic interests necessitate the preservation of democracy in Western Europe and the expensive deployment of American military power to that end.

If one wanted to be ironic, one could say that American businessmen are beginning to get rid of their Marxist presuppositions. It is Marxism, of course, that has insisted on the inevitable linkage of American capitalism and American world power. But what if Marxism has been wrong all along? What if American world power comes to be seen as an economic disadvantage by the "ruling circles" of the American economy?

The rudest shock would be experienced by those European intellectuals (probably the majority) whose anti-Americanism has been coupled all along with the serene assurance that American power will continue to protect them from the Russians. It will be interesting to observe the reaction on the day when Western Europe wakes up to the fact that American "imperialism" has, indeed, gone home — leaving the Europeans, armed only with France's *force de frappe* and a lot of Swedish rhetoric, alone with the Russians at last.

How powerful is the new intellectual-industrial complex? It is difficult to tell. Certainly there are forces on the other side. There continue to be people in the economic elite who view things differently, be it for ideological reasons (one can still say "free world" in business circles in this country without immediately losing the entire audience) or because of a different notion of economic interests. There still are intellectuals, in a rather beleaguered state, who perceive a connection between American power and freedom. There is, of course, the military. There is the present leadership of American labor.

All these groupings function in a context of democratic politics and public opinion which, at the present moment, are in a state of considerable flux. Thus, it is very hard to assess which viewpoint "has the troops" in terms of American politics. There continues to be a large segment of the American people that is highly susceptible to the old Wilsonian appeals to liberty and democracy. The popular response to Daniel P. Moynihan's speeches at the United Nations may be cited as evidence. Undoubtedly, though, there is also a widespread weariness with foreign commitments, a fear of Vietnam-like episodes in the future and considerable disillusionment with patriotic rhetoric about America's mission in the world.

The new intellectual-industrial complex is in a position to respond to this mood in a peculiar way. If the proposition is to diminish American world power, the intellectuals make it seem morally right and the business-

SUNDAY TIMES, London
28 March 1976

How many fingers on the nuclear trigger?

LAST week the world shivered briefly at the spectre of Col. Gadaffi, by leave of France sending his people scurrying about the world not with the usual pistols and machine guns in their diplomatic bags, but with small and inefficient atomic bombs. The deal now under discussion between France and Libya—denounced by the United States—does not

men make it appear realistic. A combination of self-righteousness and hard-nosed realism is hard to beat in American politics.

'Planetary Bargain'

TO SUM UP THE argument: this new intellectual-industrial complex is a curious symbiosis of perceptions which is beginning to have an influence on American foreign policy. It is often called isolationist, but this is a misleading epithet, since neither of its two component groups envisages the withdrawal of the United States from the world. Rather, to use Harlan Cleveland's provocative phrase, America is to be a partner in an emerging "planetary bargain."

The coinage to be used in this bargain is largely moral for one group, largely economic for the other; both would deemphasize the coinage of military and political power. If one were to adopt the terminology of Vilfredo Pareto, one could say that the methods of "foxes" are to be substituted for those of "lions." Or, if one were to adopt a terminology of more recent vintage, one could speak of a "greening" of American foreign policy.

The symbiosis is fragile. In this alliance between putative morality and alleged realism, either side could fall apart. One can imagine various eventualities raising questions among the intellectuals about their moral assumptions: new threats to the survival of Israel must, alas, rank high on the list. The businessmen might come to doubt the realism of some of their own perceptions: what, for instance, if an economically irrational Bonapartism were to arise in the post-Brezhnev Soviet leadership?

Needless to say, neither American intellectuals nor American businessmen have much control over the processes that might lead to such eventualities. The symbiosis, then, may not be permanent. All the same, I believe that its emergence at this very important moment in world affairs is a fact to be taken account of, a fact with potentially far-reaching consequences even if it should turn out to be transitory.

American power since World War II has been an often uneasy mixture of two purposes — the pursuit of American self-interest, as variously perceived, and the defense of the shrinking number of democratic societies. And whatever else American power may have been (all too often it was very depressing indeed, from any moral point of view), it was also the only significant shield of free societies in different parts of the world. What is being suggested here is that the two purposes may now come to be dissociated altogether — with ominous results for the future of freedom everywhere. Despite all the talk about multilateral centers of power, the only immediately visible beneficiary of a contraction of American power would be the Soviet Union. In that case, the main hope for the survival of free societies is that the Soviet empire would turn out to be as efficient as Soviet agriculture. It is a tenuous hope.

By WAYLAND KENNEDY
and ELIZABETH YOUNG

in fact include anything which would enable him to do that, but the very spectre forces us to think again about the plutonium revolution. What is really happening?

Let us start with generalities. Nuclear energy is seen as a good way of generating electric power; it saves oil imports and it is, so far, safe. At the end of the line lies the hope of fusion power, which will be safer, cleaner, and in time cheaper.

But until that becomes economic, governments must either risk the exhaustion of

oil, trust to new untried sources of energy—tides, waves, winds—or build more and more fission plants.

There are already a few hundred fission plants round the world. To run the Communist types, you proceed in five stages. (1) You feed it with enriched uranium. (2) You let it run. (3) You extract the worn out elements, which now contain a lot of plutonium. (4) You "re-process" or "separate" the plutonium. (5) You either put the plutonium back into the reactor system and run it some more,

or you make it into an explosive device to use as a bomb or for earth-shifting.

So for controlling proliferation, stage four, re-processing is the most sensitive. It requires highly specialised plant and historically this work has been done for all countries by the original "nuclear suppliers"—United States, Soviet Union, the UK and France.

Recently, however, there have been a spate of cases where a supplier country has contracted to sell not just a reactor or so, but also reprocessing plants. The Americans are hotly opposed to this, because even if the first such plant is under good safeguards, the country concerned will be able to build another plant under no safeguards at all. Moreover, they say it makes no economic sense to maintain a reprocessing plant unless you're handling the used elements from whole nuclear industries. If a small country seeks its own plant, that means only one thing: a desire to make bombs.

A country may, however, want a reprocessing plant so that it is in no danger of being without fuel if its processor suddenly wants to subject it to political pressure.

The world is laced in all directions by agreements and half-agreements, conventions and half-conventions, working or partly working. In spite of this network, France has agreed to sell Pakistan and Germany has agreed to sell Brazil nuclear generating systems including re-processing plants. Neither Pakistan nor Brazil has signed the Non-Proliferation Treaty (NPT).

In both these cases, despite US complaints, the International Atomic Energy Agency (IAEA) in Vienna, which exists to make sure that plutonium, etc., is used in reactors and not in bombs, has now approved both deals.

France also went a long way towards selling a re-processing plant to South Korea, another country whose government explicitly reserves the right to make nuclear weapons—despite having signed and ratified the NPT (from which everybody does have a right to withdraw). But the Americans impressed on the South Koreans that they could continue to enjoy American nuclear protection only if they made no move towards nuclear weapons of their own. For the moment the deal with France is off.

The Indian "explosive device" was made with the help of systems imported from Canada long ago under evidently inadequate safeguards. And the same is true of France's nuclear help which set Israel on the road to the (untested) nuclear weapons the CIA now says she possesses. Neither India nor Israel is an NPT signatory.

Other countries have

spoken in moments of stress or irritation about getting nuclear weapons—Turkey, Indonesia, Taiwan, Libya. Yet others move steadily towards the technology that permits nuclear weapons: South Africa, Australia, Iran, Japan and Argentina.

Offers to help with nuclear programmes, some of them more irresponsible than others, come from most of the supplier states—France, West Germany, the Soviet Union, Canada, India.

But not from Britain: we stick to the opposite approach. The main example is the recent deal by which we will re-process Japan's spent fuel elements here. The agreement is a showpiece. If such a large advanced industrial country as Japan finds it economic to include a journey to England and back in the nuclear power generation cycle, then all these little South Koreas and Pakistans stand convicted of militarism.

HOW CAN WE control all this? The principal tool ought to be the Non-Proliferation Treaty of 1968. This had been privately agreed in advance between the Americans and Russians, and, since anything agreed between America and Russia starts 10% up in British eyes, it was enthusiastically (and uncritically) endorsed by this country: and, for the same reason, decried by France and China.

It was unenthusiastically endorsed by most of the rest of the world, after they had forced the nuclear powers to agree to include an article in the Treaty binding them to work for disarmament among themselves. A great majority of countries in the world signed (and a smaller majority ratified). The non-nuclear weapon EEC states ratified only last year; Japan has not yet done so. Others have rejected it as one would reject a sermon on abstinence by a drunken pastor.

While the Treaty was being negotiated, it was pointed out by Egypt and others that it contained many loopholes, the widest being that non-nuclear weapons countries (for instance Germany, Czechoslovakia, Canada, Iran) are not prevented from helping non-signatories to get nuclear weapons (for instance, Pakistan, Israel, South Africa, India). Nor are private firms prevented from doing anything whatever.

In May last year an NPT review conference was to take place in Geneva. The month before, the Americans, instead of trying to get the loopholes plugged with the agreement of the Treaty parties, convened in complete secrecy a first meeting of "The Nuclear Exporters Consultative Group," sometimes called "The Secret Seven." (France only agreed

to join if it was secret.) They are USA, the Soviet Union, Britain, France, West Germany, Canada, Japan.

Last month an American official, Mr George Vest, gave to Congress what is still almost the only hard news of the consensus of this elite group. First, it wants other countries to join (Belgium, Sweden, East Germany, etc.). Second, America has decided (and we may assume these "decisions" resemble more or less the "guidelines" accepted by the Secret Seven as a whole) to demand "assurances" that their nuclear exports will not be used to produce explosives, and that if re-exported, the same "assurances" will be passed up the line. Third, America favours "multilateral regional facilities for re-processing and enrichment," so as to have it done in fewer places and under international control.

A system of "assurances" is unlikely to bring control over these processes even up to the level now exercised by IAEA over the fissionable materials themselves. But as the reactors and the trade in fuel spreads, so will the absolute amount of "Material Unaccounted For" (or MUF) which means the margin of error in any conceivable system of control. In time this margin can only become so big that people could be making bombs within it. Nuclear power is bombs just as much as it is electricity, and the Soviet Union's decision to use nuclear explosives in its "Transformation of Nature" programme has provided a plausible alibi for

bomb makers.

The real answer, as usual in human affairs, must be political. The developed world must really now ask itself: why should Pakistan, Brazil, or even Libya not have nuclear weapons? There is no answer in common politics: what is so special about Pakistan or Brazil? Why do they have to be denied the rights we enjoy?

The only way forward, therefore, still lies where it always did—in the cessation and reversal of the central arms race between Russia and America. Haltingly, in the last five years, the super-powers have begun to talk. But out of the world's hearing; and the published agreements are reliable only for ambiguity and insufficiency. And a new generation of weapons—cruise missiles, an updated V-bomber—threatens to "reduce to nothing all that has been achieved so far." The words are from Russia but Dr Kissinger is saying the same.

But "what has been achieved so far" has been negotiated in airless secrecy which has fed the apprehensions of outsiders and made "nuclear independence" seem merely prudent. What the Shah said about the "Secret Seven" in an interview in *Le Monde* last December is true of the whole nuclear affair: "One wonders if the real purposes of the group do not go beyond the advertised aims. If it is really the case that they are only concerned with non-proliferation, why are they doing it behind locked doors?" Why indeed?

NEW YORK TIMES, SUNDAY, APRIL 18, 1976

Bonn's Atom Offer to Iran Stirs a Debate on Sharing

By CRAIG R. WHITNEY
Special to The New York Times

BONN, April 16—Early next month, a negotiating team of West German and Iranian atomic-energy specialists will meet in Teheran to discuss a question that is likely to be a point of conflict between the United States, its European allies, and the developing countries for decades.

The question is whether industrialized countries like West Germany should share with third-world countries like Iran the nuclear science and techniques that could be used for nuclear weapons.

The United States has in effect a ban on "sensitive" exports. But the West Germans will discuss this area with Iran and actually made a comprehensive nuclear export agreement with Brazil last year. Iran wants nuclear technolo-

gy, not just one or two atomic reactors to generate electricity, but the whole range of equipment, scientific techniques and nuclear knowledge needed to realize Shah Mohammed Riza Pahlevi's plans to make his country a major modern industrial power.

The full technology includes "sensitive" processes for enriching uranium and reprocessing the fuel elements of a nuclear reactor, removing plutonium and other byproducts of atomic reaction. This technology could be used to make atomic bombs.

Although Iran signed the nuclear nonproliferation treaty and is committed not to develop nuclear explosives, the Shah could not get "sensitive" nuclear technology from the United States. As a matter of poli-

icy, the Administration does not permit the export of equipment and techniques that could be used to make bombs, no matter what the buyer promises.

But the West Germans say they are willing to discuss any area of technology, placing their faith in tight controls and international supervision of the "sensitive" installations they export to the developing world.

Exports are the heart of the West German economy, and the Germans feel they simply cannot afford to be cut out of the high-technology export field. "They missed out on aerospace and computer technology," an American businessman here commented, "and they see nuclear technology as the big area of the future—they're just not willing to lose this one."

The French are engaged in an equally vigorous nuclear export drive, reportedly involving the sale of plutonium-reprocessing plants to such countries as South Korea and Pakistan. Under American pressure, South Korea decided not to go through with the deal, but the French are as eager as the West Germans not to lose a share of the nuclear technology market.

A Huge Stake

Billions of dollars and tens of thousands of jobs—even the economic future of Western Europe—are at stake, they feel.

And as an official of Kraftwerk Union, the seven-year-old West German manufacturer of nuclear power plants, explained, "Wherever we look—in Italy, Spain, Sweden, Thailand, South Korea—the Americans have already been there. The third world is the only open market left."

The United States will meet with six other nuclear-supplier countries in London in June, and Secretary of State Henry A. Kissinger said the central issue would be that of exporting reprocessing plants. The United States believes that they should be under multinational control; West German experts say this would be unrealistic in the case of countries like Iran that are in politically unstable regions.

What the West German negotiators will agree on in Teheran next month is unclear. It is certain, the West Germans say, that if any comprehensive nuclear agreement is reached with Iran it would be tightly controlled.

"There is nothing concrete yet," said Dr. Wolf-J. Schmidt-Küster of the Ministry of Research and Technology, "but

no area of technology has been excluded from the discussions, including reprocessing." Earlier this year, West Germany and Iran reached tentative agreement on an outline for a nuclear-cooperation agreement, but did not make it public.

Sensitivity about the risk of an uncontrollable spread of nuclear weapons is running so high in the United States that Washington and Bonn nearly clashed openly last June when West Germany signed the world's first complete nuclear-technology export agreement, with Brazil.

The weekly news magazine *Der Spiegel* attacked the Government last month with a long article that said in part: "The responsible politicians seem to worry little, if at all, about the danger that states with a highly doubtful reputation are being helped to effortless acquisition of nuclear-weapons technology."

But after the Brazilian experience, according to Government and industry officials interviewed for this article, the West Germans have become not only sensitive but also acutely defensive about the issue.

The issue is one that will not be dismissed by the controls, safeguards and international supervision that the West Germans tied into the agreement with Brazil and will tie into any other nuclear cooperation treaty, as Dr. Schmidt-Küster emphasized.

Kissinger Unhappy

Despite the controls, to be carried out by the Vienna-based International Atomic Energy Agency, Secretary Kissinger was known to be unhappy about West Germany's agreement with Brazil. On Capitol Hill there were calls for the United States and the Soviet Union to agree to cut off France and West Germany from supplies of enriched uranium for their own nuclear-power plants unless they agree not to export to "untrustworthy" countries.

Since Brazil, the West Germans have been more circumspect. For example, after Egypt's President, Anwar el-Sadat, ended his visit here April 1 he toured the 1,200-megawatt nuclear-power plant at Biblis. Both Iran and Brazil have already each ordered two like it.

Mr. Sadat was given a gold-plated hard hat as a souvenir, but he took little else away from the visit. Even though the Biblis pressurized-water reactors contain little militarily useful technology, the West German Government had as-

sured Washington in advance that Bonn did not plan to sell any nuclear reactors to Egypt until the United States did.

According to the experts, however, reactors are not the main problem—the "sensitive technology" used in enriching the uranium fuel and recovering plutonium and uranium-235 from spent fuel cells poses the danger. Plutonium has no present practical use, American experts say, except in bombs.

But American efforts within the group of nuclear-supplier nations have failed so far to get the Germans and the French to agree not to export enrichment and reprocessing devices.

There is an enormous amount of suspicion here that behind the U.S. drive for tighter controls is a desire to corner the vast world nuclear-technology market for American companies like Westinghouse and General Electric.

Joachim Hospe, an official of Kraftwerk Union, said in Frankfurt: "To fully exploit our nuclear power plant capacity, we have to land at least three contracts a year for delivery abroad. The market here is about saturated and the United States has cornered most of the rest of Europe, so we have to concentrate on the third world."

Operating within the framework of the nuclear-cooperation agreements West Germany has with Brazil, Canada, Rumania, Pakistan, India, Iran and Chile (the last one dormant since the military coup there) Kraftwerk Union now has 27 power-plant orders on its books. It is big business: the average price for a 1,200-megawatt nuclear plant is about \$600 million.

Kraftwerk Union also bid to build two nuclear plants in South Africa, where it is in competition with both American and French concerns. But according to some West German officials Chancellor Helmut Schmidt may veto any deal with South Africa because the white minority Government there is politically offensive to many members of his Social Democratic Party.

Another proposal, a three-year-old plan to build a nuclear-power plant at Kaliningrad for the Soviet Union, fell through last month after the Russians refused to let the electric-transmission lines run through East Germany to supply West Berlin.

"It's too bad," Mr. Hospe said, "Russia could have been a market. You see that the developing countries are now

really all we have."

The controversial treaty with Brazil was signed here last June 27, and Karl-Heinz Scholtysek, an official of the Foreign Ministry, described it in an interview as "a model."

The agreement provides for exploration for uranium ore in Brazil to supply West Germany's needs, now met largely by supplies from the United States and the Soviet Union.

In return, the West Germans will give Brazil access to the separation-nozzle uranium-enrichment process developed here, and build a pilot reprocessing plant in Brazil. The installation is capable of separating and extracting weapons-grade plutonium from used reactor fuel elements—a "complete nuclear fuel cycle," in other words.

"The Brazilians want to buy as many as eight large pressurized-water power-plant reactors from us," Mr. Schmidt-Küster said, "and if they have that many, by 1990, they will need their own facilities for enriching and reprocessing the fuel. Otherwise they'd have to be transporting this dangerous material thousands of miles across the ocean, to Germany, and there are objections all the time to doing that sort of thing here."

Mr. Scholtysek pointed out that the Brazilians pledged in the treaty not to use either the equipment or the technology they get from West Germany for any kind of nuclear explosive device even a "peaceful" one. And, he pointed out, an integral part of the agreement was that Brazil had to submit to supervision and control by the International Atomic Energy Agency. The agency and the Governments of Brazil and West Germany signed a treaty insuring these controls on Feb. 26.

"The technology, in addition to the equipment, is explicitly included in the controls," Mr. Scholtysek said, "and the tri-lateral agreement cannot be unilaterally abrogated. It lasts as long as the equipment does." Critics like *Der Spiegel* assert that equipment the Brazilians develop later with German technology can not be controlled, an assertion Mr. Scholtysek denies.

The American Government's attitude is that avoiding the export of sensitive technology like reprocessing and enrichment is better than controls as Mr. Kissinger said in a Senate hearing on March 9.

Eastern Europe

THE WASHINGTON POST

Saturday, April 17, 1976

Diplomatic Hostages and Detente

THE PREDICAMENT OF SOVIET and American diplomats working in each other's country these days reflects all too accurately the soured state of "detente." Because of continuing stark Soviet restrictions on Soviet Jews, a few American Jews have adopted criminal terror tactics against Soviet diplomats in New York—to the point of firing into apartments occupied by children. The New York police and other authorities have applied extraordinary diligence to the task of safeguarding the diplomats, but with less than total success. As a result, the Kremlin has undertaken a campaign of phone threats, bomb scares and physical intimidation against American diplomats in Moscow. Daily life for the two diplomatic communities could scarcely be more grim.

It goes without saying that diplomats of all nations must be personally immune from all such threats and hostile acts. No measure of political disagreement justifies holding diplomats hostage to their governments' policies. That said, there is a glaring difference in the two situations. The American government is trying to uphold the law and bring to account the perpetrators of anti-Soviet crimes in New York. The Soviet government is itself breaking the law and dishonoring its international duty by conducting organized harassment of Americans in Moscow. A month ago, in regard to complaints of Americans there that they were being exposed to dangerous radiation from Soviet surveillance equipment, the question was raised whether the United States ought to give Soviet diplomats in Washington a similar dose. The answer, quite properly, was no. Other, legal forms of reciprocal treatment—such as withdrawal by Americans from all but the most formal essential con-

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tacts with Soviet diplomats—would be much more appropriate. But that only points up the truly ugly nature of the Kremlin's conduct in these affairs. It ought to be widely condemned.

No less worthy of condemnation, however, are the assaults by militant Jews in New York. They are doing a good deal more than breaking the law, undercutting the hospitality the United States owes foreign diplomats, and providing a pretext for Soviet countermeasures against American diplomats. They are also alarming the very people, Soviet Jews, whose cause they profess to espouse. Jews in Moscow have already relayed their criticism of the likes of the "Jewish Armed Resistance," protesting on principle against the use of terror and noting that the Kremlin might use the provocation as grounds for a further crackdown on Soviet Jews.

The basic source of this tension remains the Soviet Union's refusal to respect the human rights of its citizenry, in this case, the rights of Jews. If anything is clear from the recent years of close foreign attention to the matter, however, it is that tactics meant to relieve Soviet citizens must be carefully designed and executed. Recent well-intended efforts to use economic leverage to promote Jewish emigration, for instance, ended up contributing to a sharp drop in emigration, a stalemate in trade, and a deterioration of atmosphere which played back negatively into still other Soviet-American projects. We are not sure how to restore the generally more positive circumstances in which emigration, among other things, grew in 1973-74. We are confident, though, that the way not to do it is to fire bullets into the apartments of Soviet diplomats in New York.

Screens Found to Block Rays at Moscow Embassy

Associated Press

A classified State Department document says that aluminum screening recently installed at the U.S. embassy in Moscow is 90 per cent effective in blocking out microwave radiation being beamed at the embassy by the Soviets.

The document, prepared for use in closed briefings of embassy employees, provides the first detailed official explanation of the microwave situation, which has aroused concern over potential health hazards because of the radiation.

Yet many basic questions remain unanswered—including why the Soviets are continuing the microwave bombardment.

Secretary of State Henry A. Kissinger has called the issue "a matter of great del-

cacy which has many ramifications," adding that the United States is involved in talks with Soviet officials in an effort to get the radiation stopped.

A copy of the confidential State Department briefing paper was made available to the Associated Press.

The document says that window screens installed at the embassy 2½ months ago "reduce the current microwave signals to a point well below one microwatt per square centimeter but not to a 'zero' level."

By contrast, late last year the microwaves had reached a maximum intensity of 18 microwatts in certain heavily irradiated areas of the embassy, the briefing paper said.

U.S. officials in Washington and Moscow have re-

tracted by those in Moscow and their exposure to the electromagnetic field."

It noted that "a full-scale study of those who have served in Moscow in the past and those who are there now is in the process of being developed."

The briefing document also reported that since October, 1975, the embassy has been the target of two microwave beams. "Both are highly directional, somewhat like searchlight beams, but wider. They are aimed at the upper floors of the central wing of the chancery from different directions," the document said.

The upper floors of the 10-story building house the offices of the ambassador and other top diplomats, along with sensitive communications and intelligence areas.

The State Department account said the two microwave beams "are sometimes on the air simultaneously for three to four hours a day."

Western Europe

WASHINGTON POST
20 APR 1976

Today's Example of Chutzpah

YOU REMEMBER the definitive illustration of the word chutzpah: It is the story about the young man who murdered his parents and then pleaded with the judge to take pity on a poor orphan. That word has taken on a meaning that lies well beyond the comparatively pallid English term, unmitigated gall. It connotes an effrontery so outrageous as to command a certain reluctant admiration. Today's example of chutzpah is the Soviet accusation that the United States is meddling in Western European affairs.

The United States, in this Soviet view, is not living up to the Helsinki agreement that was signed amidst much mutual congratulation last August. It required all the signatories to promise not to meddle in each others' internal affairs. The current Soviet accusation is a response to the American admonitions to Italy about the prospect of Communists in its government.

Late last year the United States government was embarrassed by the disclosure that it was preparing to pour several million dollars into Italian politics, in a despairing effort to prop up the non-Communist parties. The disclosure was, fortunately, enough to kill the whole idea. The Soviets, meanwhile, have been subsidizing the Italian Communist party so long and

so steadily that they hardly think of it as foreign interference any longer. It's merely an old Russian custom.

Europeans use a double standard in judging these affairs, and they are quite right. They know that it is in the nature of the Soviet government to tamper with the internal affairs of other countries whenever the opportunity presents itself. They understand that high-minded international agreements do not affect that basic fact of life. They realize that it is foolish to expect the Russians to do otherwise.

But Europeans also know that a great many Americans have grave doubts about this country's occasional attempts to mess around covertly in other people's politics, and Americans persist in debating the issue loudly although their government frequently wishes that they would not. As a result, the United States government currently can do very little more than lecture Italy about the probable results of its present tendency. The Soviets profess to believe that these lectures represent a violation of the Helsinki treaty. Here as always, the Soviet view is that the Soviet government is to be judged publicly only by those things that it chooses to do publicly.

Los Angeles Times

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THE 'SONNENFELDT DOCTRINE'

Dualism Marks U.S. Policy

BY ZYGMUNT NAGORSKI JR.

American policy toward Europe—both East and West—shows a curious dualism. We are dogmatic and inflexible toward the emerging electoral strength of Western European Communist parties. At the same time, we have moved from the previous position of tolerance and tacit approval of Soviet domination of Eastern Europe to a more explicit and politically suggestive concept recently labeled the Sonnenfeldt Doctrine.

In a briefing for our European ambassadors, Helmut Sonnenfeldt, one of the closest advisors of Secretary of State Henry A. Kissinger, suggested a "more natural and organic" relationship between the Soviet Union and Eastern Europe.

Is there a link between these varied American positions? There could be.

From a historical perspective, a connection can be seen between the present American position and the Yalta Agreement concluded between the big powers on Feb. 11, 1945. It was at Yalta that a division of the spoils was sealed. It was there that Eastern Europe was awarded to the Soviet Union as the area of its legitimate security concern, and it was there that the Russians were told to keep their

hands off elsewhere. It was also at Yalta that efforts were made by the West to preserve a semblance of self-rule in such countries as Poland and Czechoslovakia.

Greece, Turkey and Iran were threatened later by "wars of liberation," and Poland and Czechoslovakia were submerged by what Sonnenfeldt aptly termed sheer Soviet power. But 31 years ago it was impossible to foresee the dichotomy of the developments within the two European halves: prosperity and social convulsions in the West; uniformity—after a period of desperate unrest—in the East.

The Sonnenfeldt Doctrine is our admission of failure. It suggests that the Yalta Agreement did not work out either to our benefit or expectations. It also suggests that it would be in the interest of the United States to see within the Soviet bloc

tional and political links.

Such goals can be accomplished only if Eastern Europeans become institutionally and politically closer to the Soviet Union. The new American doctrine cites the examples of Poland and Hungary, where accommodations to that effect are being made by the ruling Communist parties. In Poland serious attempts have been made to amend the constitution to fit it more into the mold of the Soviet constitution. The authorities rammed it through the controlled parliament, but a wave of protests swept the country, led by writers, artists and academicians who saw in the official attempt another step toward eventual incorporation of Poland into the network of Soviet socialist republics. The wording of the more drastic amendments was changed. The protesters had scored a few points.

Sonnenfeldt's implied theory is that such protesters are simply delaying an inevitable process of evolution. It also suggests that Eastern Europe, unless well entrenched within the Soviet power structure, could be a powder keg and even trigger another major war. It is difficult to see the logic of his concern. Should his doctrine enter the body of American foreign policy, any repetition of past uprisings in

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more cohesive and more politically significant developments permitting the Russians to relax their concern and to begin relying less on power and more on institu-

that part of the world would be left to the Soviet Union alone to deal with. Where, therefore, would be the danger of a Western involvement?

The link between our Western and Eastern European policies thus emerges. While we are willing to go far beyond the Yalta Agreement by suggesting stronger systemic connections in the East, we are also telling the Russians that they should keep their part of the bargain concluded in 1945 by keeping their hands off the West. This explains Washington's rigidity toward

Western Communists. They have been, and still are natural Soviet allies, and thus cannot be permitted to assume a share of power in the West. Since in both France and Italy the Communist parties emerged out of the electoral process, the U.S. Administration is using its leverage to bypass the process and enforce the continuity of non-Communist majorities.

This attitude appears distinctly undemocratic to Europeans. America emerges as another superpower interested more in overall balance and security considerations than in the will of the people concerned. The difference between the two—the Soviet Union and the United States—begins to blur.

Yet there may be another, different connection between U.S. policies for East and West. It has been widely assumed in European political circles that the Communist movement is facing a serious crisis. It is no longer either an ideological or political monolith. It is a set of ideas, vaguely linked to its original Moscow source, but representing a new set of values, responding to all kinds of new challenges. The Soviet Union, faced with the schism of its original faith, is groping for solutions. It continues to demand loyalty from its followers. It gets it from some, like the French—in spite of their declarations to the contrary—but not from all.

In Italy, the Communist Party ceased to be an international branch of an outside church. Today it represents to many Italians a party capa-

bile of tackling such issues as social justice, employment, morality in public life and economic recovery.

It has also been widely assumed in Europe that the Soviet Union would view the assumption of power by the Italian Communist Party with mixed feelings. A successful experiment of a truly democratic Communist participation in power, an experiment arrived at through the electoral process, would be viewed with uneasiness by the existing Communist governments in Eastern European countries, for reasons easily perceived.

There is not a single country within the Eastern bloc where communism has sustained itself through pluralistic institutions, freedom of speech, assembly and choice. In Yugoslavia, where the Soviet Union is absent, government control over the individual reigns supreme. In Romania, where foreign policy is directed by a president of clear nationalistic leanings and where Soviet influence is limited, a rigid internal police system exists. Elsewhere, governments rest on a combination of Soviet and domestic police powers.

And the majority of the people—who go through an electoral process always returning 99% of Communist candidates to office—assume that without an element of coercion, no Communist-controlled regime could survive. The party apparatus adds credence to that belief by steadily refusing to permit the exercise of natural human freedom.

Italy, a country outside the reach of direct Soviet power, may suddenly challenge that assumption. Should the historical compromise succeed in Rome, without undermining Italian democratic institutions, a mixed Communist-Christian Democrat regime could emerge. It would be based on a democratic process of selection; it would not require a heavy police hand. It would reject the notion of Soviet predominance in foreign and defense policies.

In short, Eastern Europeans, and Russians as well, would see the

development of a socialism with a human face—a development which caused Moscow to send tanks to Czechoslovakia in 1968. But such use of force would be impossible in Italy.

It is entirely possible, therefore, that such a major change in Italy would have a destabilizing effect on the Soviet-controlled part of Europe. The Soviet Union may have to rely more, not less, on its military might. The organic links advocated by Sonnenfeldt would be even more remote. Such links could be developed only through growing mutual trust mixed with the feelings of desperation by Poles, Romanians and others, desperation born out of the reality of standing alone face to face with the Soviet Union.

An Italian experiment in democracy embracing a genuine Communist Party would open a possible way out of such a state of desperation. All over Eastern Europe, other people would ask: "Why don't we also try to adapt our system to both human and national aspirations?"

Thus emerges the link between our two positions regarding Eastern and Western Europe. In order to save detente and to assure our continued dialogue with the Soviet Union, we are attempting to defuse tensions all over Europe in the East by suggesting more "normal" relations with the Soviets; in the West by eliminating a potential security problem for ourselves and at the same time a political and ideological problem for the Russians. The goal is clear; bilateral American-Soviet relations are more important than other elements of power struggle in the areas under the respective Soviet and American influences.

But along the way we may find ourselves alone and isolated. The Sonnenfeldt theory cuts America off from the continuing aspirations of the people of Eastern Europe. And on the western side of the continent, the process of change is going to continue with or without our blessing; with or without our participation.

NEW YORK TIMES, SUNDAY, APRIL 18, 1976

The View from Europe Is of a Receding U.S.

By FLORA LEWIS

PARIS—As they survey what is coming to look like the shambles of their own efforts to unite, European leaders have begun to question America's intentions around the world. The questions are whether United States policy is really changing after 30 years of active intervention in global politics; whether the United States and Russia are heading for a new period of cold war over the heads of other

countries that would nonetheless feel the chill; whether the world balance is really tilting towards Moscow.

These are overlapping and contradictory questions, reflecting the fact that there is no real consensus in Europe on what is happening, only a consensus that something is coming unstuck and old assumptions can no longer be taken for granted.

The sharpened quill of headlines and commentators has been warning for some time now of American "withdrawal," "eclipse," "paralysis," "neo-isolationism," even "abandonment of responsibilities." The phrases flow after each new international crisis, such as Lebanon and Angola, and reach back to Vietnam, Watergate. Responsible officials do not make it sound quite so drastic, but they share a sense of uncertainty about what to expect from the United States, and many of them complain of American retrenchment. At a recent meeting of Common Market government heads in Luxembourg, the mood was one of helpless and even bitter gloom.

France warned that Africa was about to topple into the Soviet orbit, taking perhaps more seriously than other observers the Ford Administration's warning about what would happen if Congress refused to intervene in Angola.

There was a general awareness of the growth of Soviet

military power (which the leaders have known about for years, but which seems suddenly to have struck their consciousness anew) and that the rhetoric of détente might work to demobilize the West and benefit Moscow.

Some high officials think there is a sea-change coming in America, as a result of a shift in the power balance between the President and Congress. Some think that is a threat, not yet realized. Some, the veterans, tend more to suppose that election year blues will lift when the ballots are counted and the United States will show its familiar, eager face.

The worries are not clearly focused. Nobody influential has suggested that the United States would not go to the defense of Western Europe in case of attack, nor that an attack has become any more likely. But there has been more talk of the danger of Europe's "Finlandization."

The general public has not paid much attention to these politicians' and officials' concerns. Countries are focusing inwards, on their immediate grievances and troubles, and when they speak to their electorates, the leaders are following this trend. The result is that they do not speak openly of their fears. Another result of this concentration on the home-front is that judgments about what is happening in the United States and the world tend to reflect internal partisan squabbles even more than usual.

France's influential daily, *Le Monde*, took the Kissinger-Sonnenfeldt statements on American policy, made to a group of United States ambassadors last December, as further proof that Washington is determined to prevent the rise of an effective power partner in Europe. Others have taken the compressed policy review as an indication that the United States is losing the will to contain Soviet influence.

The confusion has only compounded itself, as the question is put about what the Europeans wish America would do. One sage, retired participant in the highest councils said: "Don't worry. The West has only lost where it was wrong—Indochina, Portuguese Africa, and next will come Rhodesia." He belittled the widespread complaints among European officials that revelations about the Central Intelligence Agency, the Federal Bureau of Investigation, corporate bribery, were undermining America's authority.

"There has never been so much American intervention, and clumsy at that, in European affairs as now, with your leaders shaking their fists about which governments they will and won't tolerate," he said. It was a reference to the Ford Administration campaign against Communists in France and Italy.

But among the people who make policy, this calm, even, bemused view is the exception. More common is the fear that somehow America may stop being willing and able to shield Europe, not only on its own territory but in areas of the developing world where it has vital interests.

In an inchoate way, the fear is beginning to spread to layers of society who feel they can only lose as the uncertainty spreads. A group of French businessmen said that many of their friends were sending money abroad now, to Canada, the United States and Brazil, not to West Germany or Switzerland. It isn't clear whether they are worried about the Russians or the French Communists. But they do say they lack confidence in the future of Western Europe.

The fraying fabric of the Common Market, reflected in the failure of the nine government heads to agree on anything, even a bland communiqué, when they met in Luxembourg, is an element in the loss of hope and assurance afflicting European policy-makers. It is generally admitted that there simply is no longer any point in mouthing slogans about a common European defense, either to displace American influence as the Gaullists always wished, or to buttress and if necessary replace it, as the Atlanticists have sought. It isn't about to happen and that makes the Europeans more conscious of their dependence on America for security.

It isn't so much the election-year debate on foreign policy which has upset the Europeans, as their perception of American unwillingness to undertake major foreign interventions during an election year.

But the lack of cohesion and sense of common purpose among Europe's leaders has gone so far that they can't even reach a common view on what they wish America would do.

Perhaps, by the time of the alliance's spring meeting in Oslo next month, a nucleus of the Europeans will manage to come up with some kind of suggestion to America. But nobody is betting on it in the present mood.

And it seems important that the same people who express this glum view of the West's future are the ones who keep pointing out that fear is what the Europeans have most to fear, lest they resign themselves to a gradual slide into paralyzed acceptance of Soviet demands. Morale is terrible, they say, and that is demoralizing.

There are still some who insist that the cold facts in both America and Europe give no justification for this self-defeatism, which would concede to Russia in the next generation something like the prime super-power status throughout the world which America held during the postwar generation. Since it is more a matter of mood than reality, these sober voices argue, the situation could be turned around by an injection of encouraging leadership.

But the fashion of the moment is to pessimism, the eye of the powerful is fixed on the shadows. It makes for passivity, regardless of the actual balance of light and dark on the horizon.

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Near East

LONDON OBSERVER
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Step-by-step to death of the Lebanon

LIKE doctors, statesmen have the macabre distinction of counting their errors in human lives; and Dr Henry Kissinger, the most confident physician to treat the ailments of the Middle East for a quarter of a century, ends up having a mountain of Lebanese corpses on his conscience.

The destruction of Lebanon and of its unique society can be traced, at least in part, to two strategic decisions taken by Dr Kissinger in the immediate wake of the October War of 1973. The first was to seek to take Egypt out of the conflict, thus separating her from her battle ally Syria, in the expectation that, once Egypt was disengaged, peace-making on the other fronts would be far easier—the famous Kissinger step-by-step procedure.

The second decision was a negative one: a refusal to take his surgeon's knife to the central cancer in Arab politics, the Palestine question, in the belief that if the Arab States could be persuaded to make disengagement or non-belligerency deals with Israel—even short of full-scale peace—the Palestinians would simply have to acquiesce in whatever arrangements were made for them; and if they didn't, the Arab States would deal with them.

Both these decisions, which bear the mark of Israeli influence on Dr Kissinger's thinking, already appear as gross misjudgments.

Encouraged by Dr Kissinger, the 'defection' of Egypt from the battlefield at once put intolerable pressure on Syria and aroused immense resentment in her leaders. They were haunted with the prospect of a new war with Israel in which they would have to stand alone; and this fear has dictated their every move.

Syria's national interest, indeed her survival, demands that she control, neutralise or contain any radical, militant or extremist element in Lebanon which might trigger off an Israeli intervention and drag Syria into a suicidal adventure.

This need to control events vital to her national security has made Syria the reluctant and embarrassed champion of the old guard Lebanese estab-

lishment and has brought her into conflict with the Palestinian guerrillas, with militant Arab nationalists and with the Left. Syria simply cannot afford violent, unpredictable revolutionary change in Lebanon.

As for the Palestinians, Dr Kissinger's consistent neglect of them, his reluctance in deference to Israel to grasp the nettle of their statelessness, has brought to the surface in Palestinian leaders a neurotic fear of their own: that of seeing their national interests sacrificed on the altar of Arab peace with Israel.

They recognise that they have become an embarrassment to an Arab world which has embarked on the search for an accommodation with Israel. But they believe Kissinger's step-by-step procedure means ultimate strangulation for them. So they trust no Arab regime; they wriggle out of dependence on any one of them; they fear Syrian overlordship and, having established squatters' rights in weak, vulnerable and hospitable Lebanon, they now fight tooth and nail to preserve this last haven.

This is the political context in which Kamal Jumblatt, an aristocrat turned populist, a sort of Lebanese Tony Benn, has made his bid for power. He has come closer to success now than at any time in his long maverick career.

Exploiting Syria's fear of disorderly change, her unpopular defence of President Franjeh and her heavy-handed tutelary role, Jumblatt mobilised under his radical banner not only the Palestinians but also every other restless party and sect that felt unfavoured, insecure or unrepresented under the old regime: Communists, Nasserists, Shia Muslims, many Greek Orthodox Christians, his own Druze followers and young nationalist military firebrands such as Lieutenant Khatib, leader of the mutinous, self-styled Lebanese Arab Army, who seems to have the makings of a Qadhafi.

These men—Jumblatt, Khatib and their Palestinian allies, Arafat, Habash, Jibril and so forth—are the new leaders of Muslim Lebanon,

THE ARAB WORLD

Patrick Seale

completely displacing the older moderate Sunni generation of Rashid Karami, Saab Salam and Abdullah Yafi. They now physically control three-quarters of the country. Jumblatt makes no bones about it: he's out to smash the old system at whatever cost in human suffering.

Hence his frontal and unremitting military assault on the Maronite Christians, formerly the dominant political community, now much reduced by razzias and massacres, but still the only real obstacle to his ambitions.

For Jumblatt and his friends to come to power, they must either destroy the Maronites militarily—an unlikely outcome in view of the difficulties of the terrain, the stubbornness of the defence and the possibility of foreign intervention—or they must change the constitution with its built-in privileges for Maronites and Sunnis.

This now seems Jumblatt's objective in agreeing to a 10-day truce. Having weakened the Maronites in war, he hopes by sustained political pressure to oust Franjeh at long last, install an interim President and secure elections on a non-sectarian basis for a constituent assembly, charged with the task of dismantling the politico-religious State and building a new secular order in which the Left must dominate.

Can the Syrians afford to allow it to happen? Can Jumblatt keep his alliance together long enough to push it through?

The man who can tilt the balance one way or the other is Yasser Arafat. Jumblatt's main military prop and, as such, the real arbiter of Lebanon's future. Like Dr Kissinger, he, too, has a lot of corpses on his conscience.

The Lebanese political system was no doubt corrupt, but it was also tolerant, liberal and democratic. Arafat must bear a heavy responsibility for its ruin.

To protect what he con-

ceived as Palestinian interests, Arafat allowed Jumblatt and the Communists to use his guerrillas against the Maronites, thus contributing to the devastation of the one Arab country which had given

his people unlimited if foolhardy support. His moral position has undoubtedly been weakened by the carnage.

The Palestinians are now desperate for a new strategy: the Arab States, on whose armies they counted to give them statehood, are edging towards peace with Israel. The Lebanese quagmire threatens to swallow them up.

At this dark moment in their history, the rumbling, erupting disorders in the occupied West Bank and in Galilee—culminating after eight or nine weeks of strikes and stone-throwing in last Tuesday's outburst—have given a tremendous boost to Palestinian morale.

In a trice, the Resistance appears to have shifted the focus of its struggle from the Arab States, where the going for it has become rough indeed, to inside Israel itself.

This switch from 'outside' to 'inside,' from the painful Lebanese imbroglio to the 'glorious' battlefield of Israel—has already had a noticeable effect on Arafat. It has rid him of many complexes. The anguished conciliator, seeking to steer an independent course between the hammer of Syria and the anvil of Jumblatt, has once more donned the mantle of the revolutionary guerrilla leader.

Last week saw the public reconciliation of Arafat and George Habash, the most ferocious opponent of any compromise with Israel. 'We shall continue the march in blood and soul,' Arafat declared, 'until we establish our democratic State on all the soil of Palestine,' a far cry from the encouraging ambiguities of his famous UN speech.

Paradoxically, this new Palestinian militancy directed against Israel may give the hard-pressed Maronites some respite, as Arafat will not wish to fight on two fronts. Jumblatt may yet be thwarted in his hopes. But in the meantime Lebanon has paid a heavy price for Dr Kissinger's peacemaking.

Africa

Newsweek, May 3, 1976

My Turn**Eldridge Cleaver****Fidel Castro's African Gambit**

While living in Cuba in 1969, I sent a cassette recording back to friends in the U.S. in which I said: "The white racist Castro dictatorship is more insidious and dangerous for black people than is the white racist regime of South Africa, because no black person has any illusions about the intentions of the Afrikaners, but many black people consider Fidel Castro to be a right-on white brother. Nothing could be further from the truth."

That remark was actually a distillation of views expressed to me by Captain Toro, a zealous young black Cuban Army officer freshly home on six months' leave from Guinea-Bissau, where he had been fighting for Amilcar Cabral's rebels against the Portuguese.

Captain Toro, a short, wiry, brown-skinned man who was so full of energy he could hardly sit still, minced no words in denouncing Castro's policy of shipping out to foreign wars the militant young black officers as a safety valve on the domestic scene. By sending them off to fight in Africa, Toro said, Castro kills two birds with one stone: (1) he gets rid of an explosive element capable of causing him trouble at home; (2) he impresses black Cubans that he is a fighter for black people's rights, thus quelling opposition to his rule amongst blacks, who are still at the bottom of the Cuban pecking order.

At first, I was suspicious of Captain Toro. I thought perhaps he was part of a government plot to test me, or set me up. He was so outspoken in his criticism, even in front of white Cuban Communists, who clearly feared him. In fact, I got the impression that Toro's tone became even more scathing when white Cubans were around.

THE LAST WHITE HOPE

In Toro's view, Fidel Castro was the white hope of the traditional Cuban ruling class which, given the choice between a black-led revolution and a white one, had chosen Fidel. This effectively sidetracked the historic thrust of the Cuban revolution, which draws its spirit from the great black hero of Cuban independence, Gen. Antonio Maceo.

Since coming to power, Castro's greatest single preoccupation has been getting

rid of wave after wave of militant black leaders who constitute an ever-present pressure and danger to his continued rule. "One of the first things Fidel tried to do after coming to power," said Toro, "was to disarm the blacks in Oriente, Cuba's heavily black province, site of sugar cane and slavery, of fort Moncada and the Sierra Maestra, the historic home of the Cuban revolution. Of course, he failed to disarm us. His white troops were afraid to try it and the black troops refused. Why should we blacks disarm ourselves? That was the beginning of trouble between Che Guevara and Fidel. Che refused to go along with a policy of disarming the people but, then, Che was not a white Cuban. The next thing we knew, Fidel started shipping us off to fight in Africa—and to die."

When Castro first embarked upon his African wars, it was a "safe" thing to do. Nothing could have been more irrelevant back in the early 1960s than fighting the Portuguese in Guinea-Bissau. The real test of Fidel's sincerity came in the Congo, and he came up shaky.

A SECRET CODE

After the death of Patrice Lumumba in 1961 at the hands of Moise Tshombe, the CIA, Joseph Mobutu and Belgium, a Lumumba follower named Pierre Mulele organized an effective guerrilla movement. It had a high potential of taking power in short order against Tshombe's mercenary-led ragtag forces and Mobutu's army of stooges. Victory was virtually assured when Che Guevara accepted a commission to lead a column charged with opening up a rear supply line stretching from Congo (Brazzaville) to Mulele's forces in the jungles of Katanga Province. On the eve of the successful link-up between Guevara's column and Mulele, Fidel Castro sent a team of special messengers to pull Che out of the Congo. They bore a message in a special secret code between Fidel and Che that they had agreed beforehand would only be used in the most urgent circumstances and which was, therefore, to be responded to immediately.

On a visit to Congo (Brazzaville) in 1973, I talked to the man who was in charge of Che Guevara's operation—Ainge Diawara, the political commissar of

the army of Congo (Brazzaville.) Diawara had received Guevara in top secret upon his initial arrival in the Congo; he had supplied him and made all arrangements between Guevara and the government in Brazzaville, which secretly supported Guevara's mission. "The hopes of the African revolution were riding on the success of the Guevara-Mulele link-up," Diawara said wistfully, somewhat crestfallen.

A POLICY OF BETRAYAL

"We had a farewell reception for Che in Brazzaville, which I organized," he continued. "It was a very sad occasion. Che had tears in his eyes. In fact, all of us were crying. We knew that the African revolution had been betrayed, by decisions taken in Moscow, Washington, Cairo and Havana. Everybody understood that Castro was pulling Che out of the Congo because of pressure from the Soviets, who had arranged things with the Americans. This was the fundamental betrayal of the African revolution. When Che arrived in Cuba, he quarreled with Fidel and was placed in seclusion. Soon after, he went on a suicide mission in Bolivia. It was a sorry affair, very treacherous. My government recalled its ambassador from Havana and all but broke off diplomatic ties over this."

Today, the chickens are coming home to roost for Fidel's policy of exporting his fighting men to Africa, a policy that has contributed heavily to his longevity as the white head grafted onto Cuba's black body. As Africa runs out of wars of liberation, Fidel Castro runs out of dumping grounds. He will then have to face the Captain Toros, who have learned much and forgotten nothing.

Cleaver, a former leader of the Black Panther Party, fled the U.S. in 1968 and spent seven years abroad as a fugitive. He voluntarily surrendered to Federal authorities last November and is now in a California prison waiting trial on charges stemming from a shoot-out between the Panthers and the Oakland police in 1968.

Latin America

SATURDAY REVIEW
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Outlook

Sol M. Linowitz, former U.S. ambassador to the OAS, is chairman of the Commission on United States-Latin American Relations. He was previously chairman of the Xerox Corporation.

Reflections on Kissinger's Latin American Foray

by Sol M. Linowitz

Secretary Henry Kissinger's recent Latin American trip once again focused fleeting attention on the relationship between this country and Latin America. For a number of months Latin Americans had been waiting patiently for the long-promised visit by the American Secretary of State. When it came, its impact was, in a word, underwhelming. For its major features appear to have been a reaffirmation of familiar promises of economic cooperation and the signing of a new consultative agreement with Brazil that caused predictable indignation and concern in a number of other Latin American countries.

When Secretary Kissinger undertook the trip, he was all too aware of the fact that his November 19, 1974, call for a "New Dialogue" with Latin America had left behind a deep and widespread sense of disappointment. For once again words were not translated into action, and the "New Dialogue" remained a slogan without substance. On this trip Kissinger was clearly determined to avoid overblown expectations, and in this he unquestionably succeeded.

One can quarrel with what Kissinger did or did not achieve during the trip, but certainly no one can take issue with his premise that we can no longer take Latin America for granted. The simple fact is that we are in a new ball game with Latin America. No longer can we treat Latin Americans patronizingly. No longer can we threaten to take our bat and ball and go home.

For the world has changed, Latin America has changed, and the United States has changed. Today the hard fact is that we need Latin America just as much as Latin America needs us. And what we need is not only Latin American oil and raw materials but also—as the vote on the U.N. anti-Zionist resolution clearly demonstrated—their cooperation and support in the global arena. This calls for a whole new approach and a drastic change in our perceptions about our relationships in this hemisphere.

The first point to be recognized is simply that interdependence has displaced security, in its narrow sense, as the *raison d'être* for American foreign policy. Today there are a number of other important centers of power in the world besides the superpowers. Transnational forces, including the multina-

tional corporations, have become featured actors on the international scene. The line between domestic and foreign policy has become increasingly blurred, and our interests abroad have become inextricably intertwined with our interests at home.

When we talk of security in this kind of a world, we have to think not only of military and political power but also of oil and copper and bauxite. We have to consider what the urgent prospect of world famine resulting from the scarcity of food and fertilizer will mean to our own future. We have to ponder the impact that the population problem on this planet will have on us—and the fact that 4 billion people dwell on this earth and by the turn of the century there will be 8 billion or more.

While these dramatic changes have been taking place in our international system—multipolarity, transnationalism, scarcity of raw materials and foodstuffs, population growth—tremendous changes have also been taking place within the various countries and regions of Latin America. Rapid urbanization and mass communications have produced political awareness among people who do not yet participate in the economic growth of their countries. As a result, governments face increasing demands to provide jobs and services. To meet these internal demands, Latin Americans have sought freer access to the markets of the United States and other developed nations for their manufactured and semi-manufactured products and their raw-material exports. They have also sought better access to both capital and technology.

In their search for helpful responses to these needs, Latin Americans have become increasingly active participants in the world community beyond the confines of our hemisphere. So we have begun to hear new voices coming out of Latin America—voices of identity, voices of nationalism, voices of outrage at lingering dependency.

Meanwhile, as we know all too well, we have also been undergoing drastic changes at home. No longer do we dominate world economic and military affairs as we once did. No longer is it appropriate or feasible for the United States to try to be a policeman or tutor everywhere in the world. Moreover, in the face of the challenges we have been confronting—unemployment, racial conflict, the long war in Vietnam, the major crisis of

governmental leadership—we have found our coherence as a nation severely strained and tested by an energy crisis, commodity shortages, and worldwide inflation.

Deeply aware of these changes and concerned about their impact, the Commission on U.S.-Latin American Relations—an independent group of 23 private citizens, some having held high government positions*—recently issued a report based on an analysis of hemispheric affairs. In the report that was presented to the President and to the Secretary of State, the commission arrived at the following conclusions:

- The premises of past American policies, from the Monroe Doctrine to the Alliance for Progress to Mature Partnership, have been seriously undermined by the major changes in the world, in Latin America, and in the United States.

- Our policies in the future must be based on the recognition of the fact that Latin America is not our "sphere of influence" to be insulated from the rest of the world, and that Latin American countries are playing an increasingly active and important role in a world of growing interdependence.

- U.S. policies must also recognize that there is a diversity among Latin American countries and that our interests do not require ideological conformity. We must respect their independence and their capacity to act independently.

- Our mutual concerns today center not on military security but on economic development, on the well-being of our citizens, on the coherence of our societies, and on the protection of individual liberties—all goals that cannot be attained in isolation or at the expense of our neighbors.

- Both self-interest and our fundamental values require that we nurture our common interests and historic ties in

*The members of the commission were: W. Michael Blumenthal, G. A. Costanza, Prof. Harrison Brown, Prof. Albert Fishlow, Prof. Samuel B. Huntington, Nicholas de B. Katzenbach, Theodore M. Messer, Charles A. Meyer, Dr. J. George Harrar, Rita Hauser, Dr. Alexander Heard, Henry J. Heinz II, Andrew Heiskell, Rev. Theodore Hesburgh, Lee Hills, Arturo Morales-Carrion, Peter G. Peterson, Elliot L. Richardson, William D. Rogers, Nathaniel Samuels, Prof. Kalman Silvert, and Dr. Clifton Wharton, Jr. Sol M. Linowitz served as chairman.

the Americas and cooperate in building a more equitable and mutually beneficial structure of international relations.

Pursuant to these conclusions, the commission made 33 specific recommendations for action by the United States. They included: an end to covert U.S. intervention in the internal affairs of Latin American countries such as took place in Chile; strengthening of efforts to assure protection of human rights in the hemisphere; developing an initiative in seeking to normalize relationships with Cuba; signing and ratification of a new Panama Canal treaty; encouraging arms-limitation agreements in the hemisphere; repeal of the Hickenlooper and Gonzalez amendments and avoiding other threats, such as unilateral economic sanctions; elimination of the U.S. veto power over fund operations of the Inter-American Development Bank; strengthening OAS conciliation and peacekeeping capacities; elimination of travel and migration restrictions to and from Latin America; enactment of a generalized trade preference that would be truly helpful to Latin America; establishment of a regional system for exchange of commodities supply-and-demand projections and exploration of mechanisms to offset wide fluctuations in commodity supply, demand, and price; collaboration between the United States and Latin America in the development of codes of conduct defining rights and responsibilities of foreign investors and governments as well as the establishment of impartial fact-finding mechanisms; and U.S. assistance in the development of scientific and technical capabilities.

Little has been done since the issuance of the commission's report and recommendations to improve the general climate of relationships in the hemisphere. The trend toward divisiveness and indifference is a matter of real concern. Erosion of mutual trust and respect has increased as U.S.-Latin American relations have been clouded by revelations of covert intervention in Chile; by the sharpening differences within the hemisphere over how to re-

spond to major violations of fundamental human rights; by the failure to make real progress in the vital area of economic cooperation; and by the continuing uncertainty concerning the strength of the U.S. commitment to the solution of hemispheric problems.

During his trip Secretary Kissinger did undertake to deal with some of the economic concerns, but more—much more—remains to be done:

- The revelations regarding CIA involvement in Chile make it imperative that the United States renounce clearly and forthrightly any unilateral intervention—overt or covert—in the internal affairs of Latin American countries. An unequivocal Presidential declaration reinforced by a congressional resolution is called for. Any equivocation on this score will be regarded as inconsistent with our professed support of a mutually respective world order in which governments are responsible for their own policies and actions.

- The reports of extensive repression in Chile and elsewhere underscore the importance of having the United States take a much firmer stand in implementing its proclaimed commitment to the protection of fundamental human rights. The United States should press for an international investigation—by the United Nations or the OAS—of alleged repressive practices, and should cease providing aid and support to regimes that systematically violate human rights. At the same time, measures for providing relief to the victims of repression should be made effective.

- Although negotiations with reference to a new treaty with Panama for the Panama Canal are slowly making progress, in an election year there will be great temptation to try to make the canal a political issue. To do so would be to prejudice the negotiations in a manner that might well endanger the possibility of settlement. It is important for the President strongly to reaffirm his support for the new treaty negotiations now under way, and for the administration to begin to build requisite public and congressional backing for the treaty.

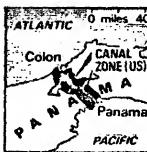
New tensions and developments have interrupted progress in the normalization of relations with Cuba. Cuba's position with reference to Puerto Rico and its intervention in Angola have imposed roadblocks to such normalization. Despite these setbacks, the United States must stand ready to explore in the right way and at the right time such measures as lifting the blockade on food and medicine to Cuba in return for an appropriate Cuban response.

Steps such as these will be helpful as indications of our commitment. But basic problems will remain, and one that is least recognized is the failure of the United States to learn that what we have in common with Latin America is a good deal more than Latin America itself. Secretary Kissinger took this into account in the consultative agreement entered into with Brazil. But Latin America consists of much more than Brazil. In international arenas such as the United Nations, we cannot assume an easy or permanent mutuality of interest between us and the countries of Latin America. We must expect that the Latin American countries will act in ways which they determine to be best for themselves—whether or not these will be helpful or harmful to the United States. Therefore, it is in our best interest to try to work with the countries of Latin America in developing common approaches to global issues so that the Latin American countries will in turn find it in their own interest to cooperate with us.

We will not begin to deal realistically with Latin America until we recognize that in Latin America we are playing for high stakes, much higher than in so many other parts of the world that over the years have absorbed our attention and have been given so much higher priority on our list of concerns. For what we are playing for is a chance to work with our neighbors in shaping our own hemisphere and in trying to bring into being the kind of world we have so long sought—one free from war and want. □

THE ECONOMIST APRIL 17, 1976

Let it go



Sooner or later the United States is going to get out of Panama. Sooner is better

The United States Navy was Theodore Roosevelt's big stick, and the Panama canal was the way to get it from the Atlantic to the Pacific. The canal was a symbol, too, of a newly imperial America, led to expansion at the turn of the century by a sense of mission it called manifest destiny, that curious phrase for what Kipling better called the white man's burden. Since early 1974 the United States has been negotiating a treaty that would hand the canal, and the zone of territory around it, to Panama. Teddy Roosevelt may be revolving in his grave. But with the Panamanian left threatening sabotage and Mr Ellsworth

Bunker, the chief American negotiator, talking of a "new Vietnam" if there is no agreement, it looks as if the time has come for the United States to give up its sovereignty over those 559 square miles in the middle of Panama.

Although neither side wants to say much about the negotiations until the American election is over in November, it is thought that a new treaty could be ready for signing early next year. This would give the Panamanians jurisdiction over the canal zone at once, and let them take over the running of the canal itself before the end of the century. It would probably also let the Americans keep an

armed force there for several years, to make sure the canal is not denied to American ships. The terms have to be finely balanced if they are to be acceptable both to the Panamanians and to the suspicious American senate. Panama's boss, General Omar Torrijos, recently sacked two of his cabinet ministers in an effort to stifle opposition to the scheme from people who say he isn't getting the Americans out quickly enough. He can probably get the treaty through. But it may not pass the American senate; two-thirds of that body's 100 members must approve any new treaty, and more than a third is already on record against giving the canal zone to Panama.

There is no question that the United States has legal title to sovereignty over the canal zone. Nor is there any question about the canal's economic importance to the United States. But its big-stick strategic value is decreasing. In the days when the Americans had only a one-ocean navy, control of the canal was vital. Now it has in effect two navies, one for the Atlantic and one for the Pacific, and most of the capital ships of today—the aircraft carriers—

cannot squeeze through the canal anyway.

Ownership is not enough

The United States did not extort the canal from Panama back in 1903. It did encourage dissidents in Colombia to secede, to create Panama, and then to sell the canal zone to America. But the present-day Panamanians are the beneficiaries of that, not the victims. From direct payments, and the jobs created by the canal, they enjoy one of the highest average incomes in Latin America. For all that, the political realities are, first, that the canal is emotionally as well as geographically smack in the middle of Panama; and, second, that a country like the United States has to exercise influence by means other than the retention of sovereignty over distant places where that sovereignty proves unpopular. The Americans are strong enough, and central America is clearly enough in their sphere of influence, to be able to go on using the canal for their purposes without keeping a strip of American soil on either side of it.

WASHINGTON POST
21 APR 1976

U.S. Envoy to Uruguay Protests VOA Story

By Joanne Omang

Washington Post Foreign Service

MONTEVIDEO—U.S. Ambassador to Uruguay Ernest Siracusa has registered "vigorous objections" to a Voice of America account of alleged torture in Uruguay, saying the Uruguayan government "will have every right to resent" the story.

The story involved a February report by the Geneva-based International Commission of Jurists (ICJ), which investigates charges of human rights violations around the world. The two-minute broadcast by VOA Geneva part-time correspondent Richard Kilian Feb. 11 contained "exaggerations and distortions" of the Uruguayan situation which "can only be injurious to our friends, to our relations and to our efforts to develop useful influence on the very situation commented upon," Siracusa's confidential complaint said.

VOA is an agency of the U.S. government that has a charter to report news without slant. It has frequently run into criticism from American missions abroad that its newscasts hamper U.S. foreign policy. In one

case, for example, the U.S. ambassador in a West African country complained that VOA reporting of Argentinian guerrilla operations should be curtailed because it could spark similar activities in the country he was accredited to.

In his response to Siracusa's critique of the VOA report on Uruguay, U.S. Information Agency director James Keogh agreed that the treatment had been "excessive and that [the] report should have been handled far more carefully." At the same time, Keogh maintained that "we believe the story in question accurately reflected the content of the ICJ report."

Copies of Siracusa's confidential Feb. 13 complaint to Assistant Secretary of State William D. Rogers and to Keogh, and of Keogh's Feb. 17 response, were obtained by The Washington Post. The response was a milder version of an original draft submitted to Keogh by VOA officials, according to sources within the organization.

A spokesman for Keogh said the VOA director declined to comment on the matter. Siracusa could not

be reached for comment.

Siracusa's five-point objection focused on Kilian's statement that the commission's report described massive arrests of political suspects, that few of the suspects survived imprisonment and that there was no press freedom in Uruguay. The story added that the jurists said church documents had been censored, and that the commission had heard a report on alleged torture in Chile the previous day.

The word "massive," Siracusa complained, "grossly exaggerated" the situation up until a recent anti-Communist drive in Uruguay. "With respect to the Communist drive, one could even question whether the arrests of several hundred persons over a five-month period could itself be called 'massive.'"

To say few of those arrested survived, he continued, was untrue and "can only be considered" by the Uruguayan government "as a calumny and a provocation." The question of press freedom, he added, was "a relative one," while the alleged church censorship was "a minor problem . . . worked out between the go-

vernment" and "the [church] hierarchy."

Mentioning Chile, Siracusa concluded, was "a gratuitous effort on the part of the VOA writer to link Uruguay with the already censured case of Chile as to human rights."

Three times in the complaint Siracusa reiterated support for the VOA's policy of disclosing such news, but said "it should have been handled far more carefully" in order not to endanger efforts he was making "through correct diplomatic channels to improve the human rights situation to the extent that there are violations. This effort can only be endangered if the government interprets the VOA report, with broad audiences here, as an aggressive gesture of the U.S. government inconsistent with the manner and integrity of my approach," Siracusa said.

Keogh agreed that the VOA story, although an accurate description of the commission's report, "showed insufficient appreciation for sensitivities involved." He added that future reports would be "subject to closer review and cross-checking prior to use."